

MARK J. SHAW, ESQ.  
ADMITTED IN PA AND OH  
DIRECT DIAL 814-870-7607  
E-MAIL: MSHAW@MIJB.COM

December 11, 2025

**VIA ELECTRONIC SUBMISSION**

Matthew Homsher, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Re: Joint Application of Deer Haven, L.L.C. and PL Utilities, LLC for approval of: (1) PL Utilities, LLC's acquisition of certain wastewater system assets of the Deer Haven, L.L.C.; (2) the abandonment by Deer Haven, L.L.C. of wastewater service to the public in Palmyra Township, Pike County Pennsylvania; and (3) PL Utilities, LLC to offer, render, furnish and supply wastewater service to the public in portions of Palmyra Township, Pike County, Pennsylvania  
Docket Nos. A-2024-3049587 and A-2024-3049591

Dear Secretary Homsher:

Attached please find the Status Report on Documentation Required by Ordering Paragraph No. 1 of the Commission's March 7, 2025 Opinion and Order as Modified by the September 26, 2025 Order Granting Joint Motion for Extension of Time for filing in the above-referenced matter.

Copies of this filing were served on the parties of record per the attached Certificate of Service.

Very truly yours,

MacDONALD, ILLIG, JONES & BRITTON LLP

By \_\_\_\_\_

  
Mark J. Shaw

MJS/nes/4911-7242-9438 v.1

Attachments

cc: Adeolu A. Bakare, Esq., Counsel for Deer Haven, L.L.C. (Via electronic mail)

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, by the manner indicated below on Tuesday, December 11, 2025, and in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party):

**SERVICE AS FOLLOWS:**

---

*Via Electronic Mail*

Darryl Lawrence  
Melanie Joy El Atieh  
Barrett Sheridan  
Office of Consumer Advocate  
555 Walnut Street, 5th Floor  
Harrisburg, PA 17101-1923  
[ra-oca@paoca.org](mailto:ra-oca@paoca.org)  
[melatieh@paoca.org](mailto:melatieh@paoca.org)  
[bsheridan@paoca.org](mailto:bsheridan@paoca.org)

*Via Electronic Mail*

NazAarah Sabree  
Steven Gray  
Assistant Small Business Advocate  
Office of Small Business  
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Harrisburg, PA 17101  
[ra-sba@pa.gov](mailto:ra-sba@pa.gov)  
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*Via Electronic Mail*

Allison C. Kaster, Director  
Scott Granger  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
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Harrisburg, PA 17120  
[akaster@pa.gov](mailto:akaster@pa.gov)  
[sgranger@pa.gov](mailto:sgranger@pa.gov)

*Via Electronic Mail*

Matthew T. Lamb, P. E.,  
Water/Wastewater Section of Bureau of  
Technical Utility Services  
[mlamb@pa.gov](mailto:mlamb@pa.gov)

Respectfully submitted,



---

Mark J. Shaw, Esq.  
MacDONALD, ILLIG, JONES & BRITTON LLP  
100 State Street, Suite 700  
Erie, Pennsylvania 16507-1459  
(814) 870-7607  
Attorneys for: PL Utilities, LLC

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Joint Application of Deer Haven, L.L.C. :  
and PL Utilities, LLC for approval of: (1) :  
PL Utilities, LLC's acquisition of certain :  
wastewater system assets of Deer Haven, :  
L.L.C.; (2) the abandonment by Deer : **Docket No. A-2024-3049587**  
Haven, L.L.C. of wastewater service to the :  
public in Palmyra Township, Pike County, : **Docket No. A-2024-3049591**  
Pennsylvania; and (3) authorization of PL :  
Utilities, LLC to offer, render, furnish and :  
supply wastewater service to the public in :  
a portion of Palmyra Township, Pike :  
County, Pennsylvania :

**Status Report on Documentation Required by Ordering  
Paragraph No. 1 of the Commission's March 7, 2025 Opinion  
and Order as Modified by the September 26, 2025 Order  
Granting Joint Motion for Extension of Time**

PL Utilities, LLC ("PLU"), Pocono Lakefront, LLC ("Pocono") and Deer Haven L.L.C. ("Deer Haven"), by and through their undersigned counsel, files this Status Report on Documentation Required by Ordering Paragraph No. 1 of the Commission's March 7, 2025 Opinion and Order as Modified by the September 26, 2025 Order Granting Joint Motion for Extension of Time and states the following in Support thereof.

1. On March 7, 2025, the Commission issued an Opinion and Order based upon its decision voted upon at its February 20, 2025 meeting, conditionally approving the Joint Application filed by the above parties.

2. The condition imposed by the Commission in that March 7, 2025 Order was that the parties submit the following documentation with the Secretary's Bureau at Docket Nos. A-2024-3049591 and A-2024-3049587:

- a. An application filed by Deer Haven, L.L.C. for Commission approval, nunc pro tunc, for the transfer of jurisdictional utility assets to Pocono Lakefront;
- b. Evidence that the Pennsylvania Department of Environmental Protection issued PL Utilities, LLC a water quality management permit to operate the wastewater treatment plant constructed under Water Quality Management Permit No. 5215401, that includes a copy of the signed and stamped water quality management Post Construction Certification Form;
- c. Evidence that all other water quality management permits necessary for the operation of wastewater facilities in the requested service territory have been transferred to PL Utilities, LLC, that includes a copy of said permits;
- d. Evidence that the Pennsylvania Department of Environmental Protection transferred National Pollutant Discharge Elimination System Permit No. PA-0041912 from Deer Haven, L.L.C. to PL Utilities, LLC;
- e. Evidence of the Pennsylvania Department of Environmental Protection's approval of an Official Sewage Facilities Act 537 Plan Revision that transfers wastewater service from Deer Haven to PL Utilities and identifies PL Utilities, LLC as the sole provider of wastewater service within the requested service territory;
- f. A copy of the Notice of Termination filed with the Pennsylvania Department of Environmental Protection indicating that the Deer Haven, L.L.C. Wastewater Treatment Plant was decommissioned.
- g. A copy of an executed Consent Order and Agreement between the Pennsylvania Department of Environmental Protection, PL Utilities, LLC, and Deer Haven, L.L.C., resolving Deer Haven, L.L.C.'s open violations.

3. The Order gave the Joint Applicants until August 31, 2025 to submit the required documentation or the Joint Application would be automatically consolidated into the pending 66 Pa.C.S. § 529 proceeding at Docket No. P-2024-3050549.

4. On August 28, 2025, the Commission issued an Order granting a Joint Motion to extend the deadline by 30 days until September 30, 2025 and to modify Paragraph (1)(f) of the original order to reflect it being due within 180 days of when the new plant is approved and operational.

5. On September 26, 2025, the Commission issued an Order granted a joint motion to extend time seeking to further extend the deadline December 1, 2025 and reiterating the modification to Paragraph (1)(f) of the March 7, 2025 Order.

6. The Joint Applicants have completed each of the conditions required to be met by December 1, 2025 and submit the following documentation as evidence of meeting those conditions.

7. Attached as Exhibit 1 is application filed by Deer Haven, L.L.C. for Commission approval, nunc pro tunc, for the transfer of jurisdictional utility assets to Pocono Lakefront (without Exhibits). This Application was filed with the Commission on August 29, 2025, and is pending.

8. Attached as Exhibit 2 is the water quality management permit to operate the wastewater treatment plant constructed under Water Quality Management Permit No. 5215401, issued to PL Utilities, LLC by the Pennsylvania Department of Environmental Protection ("Department"). Attached as Exhibit 2A is a copy of the signed and stamped water quality management Post Construction Certification Form. Attached as Exhibit 2B is the Cover Letter from the Department regarding the permits.

9. Attached as Exhibit 3 is the Department's permit approving the transfer of the Deer Haven gravity Sewers to PLU, which was necessary for the operation of wastewater facilities in the requested service territory to PL Utilities, LLC.

10. Attached as Exhibit 4 is the decision of the Delaware River Basin Commission, which has jurisdiction over the WWTP due to its location within the Delaware River Basin, approving the WWTP of PLU Utilities to operate within the Delaware River Basin.

11. Attached as Exhibit 5 is the Pennsylvania Department of Environmental Protection National Pollutant Discharge Elimination System Permit No. PA-0041912 issued to PL Utilities, LLC for the Deer Haven WWTP.

12. Attached as Exhibit 6 is the Department's approval of an Official Sewage Facilities Act 537 Plan Revision that transfers wastewater service from Deer Haven to PL Utilities and identifies PL Utilities, LLC as the sole provider of wastewater service within the requested service territory.

13. Attached as Exhibit 7, is a copy of an executed Consent Order and Agreement between the Pennsylvania Department of Environmental Protection, PL Utilities, LLC, and Deer Haven, L.L.C., resolving Deer Haven, L.L.C.'s open violations, together with

14. With the submission of this evidence, PLU and Deer Haven have satisfied the conditions imposed by the Commission on the granting of the Certificate of Public Convenience to PLU and granting the abandonment by Deer Haven upon the connection of the new wastewater treatment plant to the Deer Haven collection system.

WHEREFORE, PLU and Deer Haven respectfully request the following:

- (a) in accordance with the Commission's March 7, 2025 Order, the Commission's Bureau of Technical Utility Services complete a review of the submitted documentation, and determine that all conditions have been satisfied;
- (b) the Secretary's Bureau then issue a Secretarial Letter noting the compliance with the conditions of the March 7, 2025 Order; and
- (c) following the issuance of the Secretary's letter, and following receipt of notice of the connection of the Deer Haven collection system to the PLU new wastewater

treatment plant, a Certificate of Public Convenience be issued pursuant to Section 1101(a)(1) of the Public Utility Code, 66 Pa.C.S. § 1101(a)(1), authorizing PL Utilities, LLC to begin to offer, render, furnish, or supply wastewater 14 service in a portion of Palmyra Township, Pike County, previously served by Deer Haven, L.L.C.

Respectfully Submitted,

*/s/ Mark J. Shaw*

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Mark J. Shaw, Esq. (I.D. No. 50763)  
MacDonald, Illig, Jones & Britton, LLP  
100 State St. Suite 700  
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Counsel for Pocono Lakefront Inc, and PL Utilities,  
LLC

AND

*/s/ Adeolu A. Bakare*

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Adeolu A. Bakare, Esq.  
McNees Wallace & Nurick LLC  
100 Pine Street  
Harrisburg, PA 17101  
(717) 237-5290  
[abakare@mcneeslaw.com](mailto:abakare@mcneeslaw.com)

Counsel for Deer Haven, LLC

Date: December 10, 2025

# **EXHIBIT 1**



McNees Wallace & Nurick LLC  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108-1166

**Adeolu A. Bakare**  
Direct Dial: 717.237.5290  
Direct Fax: 717.260.1744  
abakare@mcneeslaw.com

August 29, 2024

Matthew L. Homsher, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

**VIA ELECTRONIC FILING**

**RE: Application *Nunc Pro Tunc* Pursuant to Chapter 11 of the Public Utility Code, 66 Pa. C.S. § 1102(a)(3) for a Certificate of Public Convenience and Necessity Approving Transfer of Jurisdictional Utility Assets from Deer Haven, L.L.C., and Haven Development Company, LLC to Pocono Lakefront, LLC; Docket No. \_\_\_\_\_**

Dear Secretary Homsher:

Attached for filing with the Pennsylvania Public Utility Commission is the Application *Nunc Pro Tunc* of Deer Haven, L.L.C and Haven Development Company, LLC, in the above-referenced proceeding.

As evidenced by the attached Certificate of Service, all parties to this proceeding are being duly served with a copy of this document. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Adeolu A. Bakare', written over a horizontal line.

Adeolu A. Bakare  
MCNEES WALLACE & NURICK LLC

Counsel to Deer Haven, L.L.C.

cc: Christopher P. Pell, Deputy Chief Administrative Law Judge  
Certificate of Service

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of Section 1.54 (relating to service by a participant).

**VIA E-MAIL OR FIRST-CLASS MAIL**

**Office of Consumer Advocate**

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**Bureau of Investigation and Enforcement**

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Pocono Utilities, LLC**

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**Office of Small Business Advocate**

NazAarah Sabree  
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Adeolu A. Bakare

Counsel to Deer Haven, L.L.C.

Dated this 29<sup>th</sup> day of August, 2025, in Harrisburg, Pennsylvania.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application *Nunc Pro Tunc* Pursuant to Chapter 11 :  
of the Public Utility Code, 66 Pa. C.S. § 1102(a)(3) :      Docket No. A-2025-\_\_\_\_\_  
for a Certificate of Public Convenience and :      Docket No. A-2024-3049587  
Necessity Approving Transfer of Jurisdictional :  
Utility Assets from Deer Haven, L.L.C., and :  
Haven Development Company, LLC to Pocono :  
Lakefront, LLC :

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**APPLICATION *NUNC PRO TUNC* OF DEER HAVEN, L.L.C.**

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Deer Haven L.L.C. ("Deer Haven") ("Applicant") hereby respectfully submits this application *nunc pro tunc* pursuant to Chapter 11 of the Public Utility Code, 66 Pa. C.S. § 1102(a)(3) for a Certificate of Public Convenience and Necessity approving the transfer of jurisdictional utility assets from Deer Haven, L.L.C and Haven Development Company, LLC ("Haven Development") to Pocono Lakefront, LLC ("Pocono Lakefront") and in compliance with the Order of the Pennsylvania Public Utility Commission ("PUC" or "Commission") entered March 7, 2025.

In support thereof, the Applicant avers as follows:

**Introduction**

1. This matter relates to the transfer of jurisdictional utility assets in the form of real property consisting of approximately 85 acres of land in a portion of Palmyra Township, Pike County, Pennsylvania, from Deer Haven and Haven Development to Pocono Lakefront LLC. The property in question includes land on which the Deer Haven wastewater treatment plant ("Deer Haven WWTP"), PL Utilities wastewater treatment plant ("PL Utilities WWTP"), and much of the Deer Haven Sewer System are currently situated.

2. Deer Haven is a limited liability company organized under the provisions of the New Jersey Limited Liability Company Act, and was formed on May 24, 2002 to do any and all lawful activities for which a business may be incorporated under the New Jersey Limited Liability Company Act and to operate and maintain a wastewater collection system and sewage treatment plant.

3. The wastewater collection system and Deer Haven WWTP initially were owned and operated by Edwin, Inc. and Edwin was subsequently acquired by Gerald G. Gawron, Jerome E. Gawron, Marcella A. Gawron. The Pennsylvania Public Utility Commission ("PUC") approved that transfer in 1999.

4. In 2004, Deer Haven entered into an agreement to acquire all of the Edwin common stock, together with all assets used and useful in the provision of wastewater collection and treatment services to the public, including but not limited to, collection mains, pumps, treatment facilities, and all other equipment and facilities used by Edwin in its provision of wastewater services. The PUC approved this transfer in or about 2008.

5. Haven Development was a limited liability company organized under the provisions of the New Jersey Limited Liability Company Act. Haven Development was a wholly owned subsidiary of Deer Haven that was formed on June 8, 2004, and dissolved on January 16, 2019.

6. In or about 2004, Deer Haven and its affiliate Haven Development owned approximately 85 acres of property in Palmyra Township, Pike County, Pennsylvania (the "Property") that included the site where the Deer Haven WWTP and most of the Deer Haven wastewater collection system was located. The intent of Deer Haven and Haven Development at that time was to complete phased redevelopment of the area, including the construction of up to

365 dwelling units, as well as a new road, a new wastewater collection system and a Community Center (the "Project"). In addition, in one of the future phases of the Project, a new wastewater treatment plant was to be constructed to replace the existing plant.

7. Pocono Lakefront, LLC is a Pennsylvania limited liability company that was formed in 2010 to develop property within the wastewater service territory. The sole member of Pocono Lakefront is a trust (the Trust) formed by Jacob Goren. Pocono Lakefront is affiliated with PL Utilities, LLC ("PLU"), a Pennsylvania Limited Liability Company formed in 2015, whose sole member is also Jacob Goren.

8. On October 25, 2010, Deer Haven and Haven Development entered into a Purchase and Sale Agreement ("APA") with Pocono Lakefront for the sale of approximately 85 acres of land, comprising of five (5) parcels that are located within the Deer Haven wastewater service territory, for \$2,500,000.00. An executed copy of the APA is attached to this Application as Exhibit A.

9. The parcels covered by the APA are as follows:

- a. Parcel ID 070.04-01-01 consisting of 0.08 acres;
- b. Parcel ID 070-.04-01-03 consisting of 10.54 acres;
- c. Parcel ID 070.04-01-46 consisting of 6.06 acres;
- d. Parcel ID 070.04-01-55 consisting of 64.10 acres; and
- e. Parcel ID 070.04-01-03.001 consisting of 2.81 acres.

10. On November 8, 2010, Pocono Lakefront acquired the five (5) parcels as reflected in two deeds, true and correct copies of which are attached hereto as Exhibit B and C. Exhibit B is a Deed dated November 8, 2010, recorded at Instrument 201000010109DR, Book 2350, Page 1842, between Haven Development and Pocono Lakefront which conveys Parcels ID 070.04-01-

01 and 070-.04-01-03. Exhibit C is a Deed dated November 8, 2010, recorded at Instrument 201000010110DR, Book 2350, Page 1850, between Deer Haven and Pocono Lakefront which conveys Parcels ID 070.04-01-46, 070.04-01-55, and 070.04-01-03.001. A recorded consolidation map showing the location of the five (5) parcels that Pocono Lakefront acquired, which are reflected on the map as Tract 3, Lakefront Lot, Parcel BR, Tract 2, Tract 6, and Entrance Panel, is attached hereto as Exhibit D.

11. Also in 2010, Deer Haven and Pocono Lakefront entered into a Grant of Capacity and Option to Purchase Agreement for the Sewer System associated with the property subject to PUC approval. Under that Agreement Deer Haven granted to Pocono Lakefront, its successors and assigns, the option to purchase the Deer Haven Sewer Company for \$1.00, subject to approval by the PUC of the transfer of the Certificates of Public Convenience to Pocono Lakefront.

12. In 2014, as authorized by the Grant of Capacity and Option to Purchase Agreement, Pocono and Deer Haven entered into a Purchase Agreement under which Pocono would purchase the Sewer System subject to obtaining PUC approval.

13. In late 2015, the Pennsylvania Department of Environmental Protection issued a Water Quality Management permit No. 5215401, allowing the construction of a new wastewater treatment plant (the PL Utilities WWTP) and associated sewer lines/connections, all on the property conveyed to Pocono Lakefront in 2010. In 2023, the new WWTP was substantially completed. PLU owns the new WWTP. The WWTP was tested in early 2024 and is ready to be put into service. The only remaining construction work to be done is to make the final connections to the existing sewer system so that the old treatment plant can be shut down and the new one turned on to take its place. The parties are working with the Pennsylvania Department

of Environmental Protection and the Delaware River Basin Commission to obtain the necessary wastewater discharge permits, the approval needed under Act 537 for the transfer of the Sewer System.

14. On June 17, 2024, Deer Haven and Pocono Lakefront filed with the Commission a Joint Application for Certificates of Public Convenience (the "Joint Application") seeking, *inter alia*, approvals necessary for the abandonment of Deer Haven's sewer service and the commencement of sewer service by PLU at Docket Nos. A-2024-3049591 and A-2024-3049587.

15. On August 1, 2024, Deer Haven requested that the Commission issue an Emergency Order allowing Aqua Pennsylvania Wastewater, Inc. to act as an interim receiver to operate the Deer Haven Sewer Company.

16. On August 15, 2024, the PUC issued an Ex Parte Emergency Order and initiated the Deer Haven 529 Investigation. The Ex Parte Emergency Order was ratified on August 22, 2024, in Docket No. P-2024-3050549.

17. On August 26, 2024, the PUC issued an order staying the Joint Application for Certificates of Public Convenience pending the outcome of the Deer Haven 529 proceeding.

18. On February 20, 2024, the PUC lifted the order to stay the Joint Application proceedings and allowed the evaluation of the Joint Application to proceed pending the outcome of the Section 529 proceedings.

19. On March 7, 2025, the PUC entered an Order and Opinion at Docket No. A-2024-3049587 and A-2024-3049591 conditionally approving the Joint Application upon the filing of a variety of supplemental documentation ("Joint Application Order"). One of the conditions of approval is the filing of this Application, *nunc pro tunc*, for the transfer of jurisdictional utility assets to Pocono Lakefront. A copy of the Joint Application Order is attached as Exhibit E.

**The Parties**

20. The name and address of the Transferor seeking to transfer the Property are:

Deer Haven, L.L.C.  
Attn: Sam Shahar  
839 Route 507  
Greentown, PA 18426  
samshahar@yahoo.com

21. The name and address of the Transferee and seeking to obtain the Certificate of

Public Convenience is:

Pocono Lakefront LLC  
Attn: Jacob Goren  
865 route 507  
Greentown, PA 18426

22. The attorney for the Transferor is:

Adeolu A. Bakare  
McNees Wallace & Nurick LLC  
100 Pine Street | Harrisburg, PA 17101  
Tel: 717.237.5290 | Fax: 717.260.1744  
abakare@mcneeslaw.com

23. The attorney for the Transferee is:

Mark J. Shaw  
MacDonald, Illig, Jones & Britton LLP  
100 State Street, Suite 700  
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**The Applicable Legal Framework**

24. Section 1102(a)(3) of the Public Utility Code, 66 Pa.C.S. § 1102(a)(3), requires a public utility to obtain Commission approval, evidenced by a certificate of public convenience, to acquire from or to transfer property used or useful in the public service.

25. Section 1103 of the Public Utility Code, 66 Pa.C.S. § 1103, provides that the Commission may grant a certificate of public convenience when it "find[s] or determine[s] that the granting of such certificate is necessary or proper for the service, accommodation, convenience, or safety of the public."

26. The record provided here supports the approval of the transfer of the Property from Deer Haven and Haven Development and the issuance of the Certificate of Public Convenience to Pocono Lakefront.

**The Issuance of Certificates of Public Convenience to Pocono Lakefront is in the Public Interest.**

27. The Commission may issue a Certificate of Public Convenience upon a finding that the granting of the certificate is "necessary or proper for the service accommodation, convenience, or safety of the public." 66 Pa. C.S. § 1103(a). For the reasons set forth below, granting nunc pro tunc approval of the transfer of public utility property set forth herein would "affirmatively promote the service, accommodation, convenience, or safety of the public in some substantial way." *City of York v. Pa. Pub. Util. Comm'n*, 449 Pa. 136, 151, 295 A.2d 825, 828 (1972).

28. The jurisdictional utility assets at issue in this application are parcels of real property, upon which the Deer Haven WWTP, PL Utilities WWTP, and much of the Deer Haven Sewer System are currently located, although the PL Utilities WWTP did not exist at the time of sale. The public benefits of the sale of the Property are intertwined and indeed inseparable from the public benefits of the sale of the Deer Haven Sewer System assets previously approved by the Commission.

29. It was previously found that the transfer of the Deer Haven Sewer System to PLU was in the public interest, and Certificates of Public Convenience were conditionally issued in

the Joint Application Order. One of the conditions of that Order was the filing of the present application nunc pro tunc to address the parties' prior oversight in omitting a timely application before the Commission. See Exhibit E.

30. The approval of the sale of the Property to Pocono Lakefront would enable PLU to lawfully operate the Deer Haven Sewer System on land that is owned by an affiliate, at nominal cost, and with the necessary easement permanently secured.

31. Pocono Lakefront has owned the Property since 2010 and previously paid \$2,500,000.00 for the Property to satisfy the existing mortgages on the land to effectuate the transfer. Additionally, while this is an application for transfer of land used and useful in the provision of public utility service, Pocono Lakefront will not be operating the relevant public utility. The Commission has already determined that Pocono Lakefront's affiliate, PLU possesses the requisite financial and technical fitness to operate the Deer Haven Sewer System. Approval of this application will allow for lawful operation of the Sanitary Sewer Easement conditionally approved by the Commission in the Joint Application Order. As such, Pocono Lakefront's financial capability has already been proven for this property transfer.

### **Conclusion**


32. The Applicant believes the transfer of the Property is in the public interest. Approval of the Application is necessary or proper in order for the public served by PL Utilities to benefit by continuing to receive sewer services from a company with the resources and personnel to provide safe and reliable sewer services in the future. Applicant submits that the transfer is in the public interest and is necessary for the provision of safe and reliable sewer services.

WHEREFORE, Applicant respectfully requests that the Commission, pursuant to the provisions of the Public Utility Code, 66 Pa.C.S. § 1102-1103, approve the Application as requested above and issue an Order as follows:

- a. Approving the transfer of the real property from Deer Haven, L.L.C. and Haven Development Company, LLC to Pocono Lakefront LLC;
- b. Granting a Certificate of Public Convenience to Pocono Lakefront LLC allowing it to continue owning land which is used and useful in service to the public.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By 

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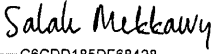
Counsel to Deer Haven, L.L.C.

Dated: August 29, 2025

**VERIFICATION**

I, Salah Mekkawy, hereby depose and state that I am a member of Deer Haven, L.L.C. and that the averments set forth in the foregoing Application *nunc pro tunc* of Deer Haven, L.L.C. for a Certificate of Public Convenience and Necessity approving the transfer of jurisdictional utility assets from Deer Haven, L.L.C and Haven Development Company, LLC are true and correct to the best of my knowledge, information and belief. This Verification is made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to intentional falsification to authorities.

Dated: August 29, 2025

Signed by:  
  
C6CDD185DF68428  
\_\_\_\_\_  
Salah Mekkawy  
Member  
Deer Haven, L.L.C.

## **EXHIBIT 2**



## WATER QUALITY MANAGEMENT PERMIT

<p>A. PERMITTEE (Name and Address): <b>PL Utilities, LLC</b> <b>40 Warren Street</b> <b>Paterson, NJ 07524</b></p>	<p>CLIENT ID#: <b>394695</b></p>	<p>B. PROJECT/FACILITY (Name): <b>Deer Haven WWTP</b></p>
<p>C. LOCATION (Municipality, County): <b>Palmyra Township, Pike County</b></p>		<p>SITE ID#: <b>4394</b></p>
<p>D. This permit/transfer approves the operation/transfer of sewage facilities consisting of:</p> <p style="margin-left: 20px;">- Deer Haven WWTP, sanitary sewage collection system, pump stations, force main &amp; outfall</p>		
<p>Pump Stations: <input checked="" type="checkbox"/></p>	<p>Manure Storage: <b>N/A</b></p>	<p>Sewage Treatment Facility: <input checked="" type="checkbox"/></p> <p>Annual Average Flow:       <b>0.07</b>   MGD</p> <p>Design Hydraulic Capacity:   <b>0.07</b>   MGD</p> <p>Design Organic Capacity:     <b>-</b>       lbs/day</p>
<p>E. APPROVAL GRANTED BY THIS PERMIT IS SUBJECT TO THE FOLLOWING:</p> <ol style="list-style-type: none"> <li>1. <b>Transfers:</b> Water Quality Management Permit No. <u>5274401 T-1</u> dated <u>October 2, 1987</u> and conditions, supporting documentation and addendums are also made part of this transfer.</li> <li>2. Permit Conditions Relating to Sewerage are attached and made part of this permit.</li> </ol>		
<p>F. THE AUTHORITY GRANTED BY THIS PERMIT IS SUBJECT TO THE FOLLOWING FURTHER QUALIFICATIONS:</p> <ol style="list-style-type: none"> <li>1. If there is a conflict between the application or its supporting documents and amendments and the attached conditions, the attached conditions shall apply.</li> <li>2. Failure to comply with the rules and regulations of DEP or with the terms or conditions of this permit shall void the authority given to the permittee by the issuance of this permit.</li> <li>3. This permit is issued pursuant to the Clean Streams Law Act of June 22, 1937, P.L. 1987, as amended 35 P.S. §691.1 <i>et seq.</i> Issuance of this permit shall not relieve the permittee of any responsibility under any other law.</li> </ol>		
<p><b>PERMIT ISSUED:</b></p> <p><u>December 9, 2025</u></p>	<p><b>BY:</b>       <u>Amy M. Bellanca</u></p> <p><b>TITLE:</b>   <b>Amy M. Bellanca, P.E.</b> <b>Clean Water Program Manager</b> <b>Northeast Regional Office</b></p>	



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF POINT AND NON-POINT SOURCE MANAGEMENT

**PERMIT CONDITIONS RELATING TO SEWERAGE**  
For use in Water Quality Management Permits

(Check boxes that apply)

**General**

- 1. The Department of Environmental Protection (DEP) considers the licensed Professional Engineer whose seal is affixed to the design documents to be fully responsible for the adequacy of all aspects of the facility design.
- 2. The permittee shall adopt and enforce an ordinance requiring the abandonment of privies, cesspools or similar receptacles for human waste and onlot sewage disposal systems on the premises of occupied structures accessible to public sewers. All such structures must be connected to the public sewers.
- 3. The outfall sewer or drain shall be extended to the low water mark of the receiving body of water. Where necessary to ensure proper mixing and waste assimilation, an outfall sewer or drain may be extended with appurtenances below the low water mark and into the bed of a navigable stream provided that the permittee has secured an easement, right-of-way, license or lease from DEP in accordance with Section 15 of the Dam Safety and Encroachments Act, the Act of November 26, 1978, P.L. 1375, as amended.
- 4. The approval is specifically made contingent on the permittee acquiring all necessary property rights, by easement or otherwise, providing for the satisfactory construction, operation, maintenance and replacement of all sewers or sewerage structures in, along or across private property with full rights of ingress, egress and regress.
- 5. When construction of the approved sewerage facilities is completed and before they are placed in operation, the permittee shall notify DEP in writing so that a DEP representative may inspect the facilities.
- 6. The approval of the plans, and the authority granted in this permit, if not specifically extended, shall cease and be null and void 5 years from the issuance date of this permit unless construction or modification of the facilities covered by this permit has begun on or before the fifth anniversary of the permit date.
- 7. If, at any time, the sewerage facilities covered by this permit create a public nuisance, including but not limited to, causing malodors or causing environmental harm to waters of the Commonwealth, DEP may require the permittee to adopt appropriate remedial measures to abate the nuisance or harm.
- 8. If, after the issuance of this permit, DEP approves a municipal sewage facilities official plan or an amendment to an official plan under Act 537 (Pennsylvania Sewage Facilities Act, the Act of January 24, 1966, P.L. 1535 as amended) in which sewage from the herein approved facilities will be treated and disposed of at other planned facilities, the permittee shall, upon notification from the municipality or DEP, provide for the conveyance of its sewage to the planned facilities, abandon use and decommission the herein approved facilities including the proper disposal of solids, and notify DEP accordingly. The permittee shall adhere to schedules in the approved official plan, amendments to the plan, or other agreements between the permittee and municipality. This permit shall then, upon notice from DEP, terminate and become null and void and shall be relinquished to DEP.
- 9. This permit does not relieve the permittee of its obligations to comply with all federal, interstate, state or local laws, ordinances and regulations applicable to the sewerage facilities.
- 10. This permit does not give any real or personal property rights or grant any exclusive privileges, nor shall it be construed to grant or confirm any right, easement or interest in, on, to or over any lands which belong to the Commonwealth.
- 11. The authority granted by this permit is subject to all effluent requirements, monitoring requirements and other conditions as set forth in the NPDES Permit and all subsequent amendments and renewals. No discharge is authorized from these facilities unless approved by an NPDES Permit.

**Construction**

- 12. This permit is issued under the authorization of The Clean Streams Law and 25 Pa. Code Chapter 91. The permittee shall obtain all necessary permits, approvals and/or registrations under 25 Pa. Code Chapters 102, 105 and 106 prior to commencing construction of the facilities authorized by this permit, as applicable. The permittee should contact the DEP office that issued this permit if there are any questions concerning the applicability of additional permits.

- 13. The facilities shall be constructed under the supervision of a Pennsylvania licensed Professional Engineer in accordance with the approved reports, plans and specifications.
- 14. A Pennsylvania licensed Professional Engineer shall certify that construction of the permitted facilities was completed in accordance with the application and design plans submitted to DEP, using the "Post Construction Certification" form (3800-PM-WSFR0179a). It is the permittee's responsibility to ensure that a Professional Engineer is on-site to provide the necessary oversight and/or inspections to certify the facilities. The certification must be submitted to DEP before the facility is placed in operation. As-built drawings, photographs (if available) and a description of all deviations from the application and design plans must be submitted to DEP within 30 days of certification.
- 15. Manhole inverts shall be formed to facilitate the flow of the sewage and to prevent the stranding of sewage solids. The manhole structure shall be built to prevent undue infiltration, entrance of street wash or grit and provide safe access to facilitate manhole maintenance activities.
- 16. The local Waterways Conservation Officer of the Pennsylvania Fish and Boat Commission (PFBC) shall be notified when the construction of any stream crossing and/or outfall is started and completed. A written permit must be secured from the PFBC if the use of explosives in any waterways is required and the permittee shall notify the local Waterways Conservation Officer when explosives are to be used.

**Operation and Maintenance**

- 17. The permittee shall maintain records of "as-built" plans showing all the treatment facilities as actually constructed together with facility operation and maintenance (O&M) manuals and any other relevant information that may be required. Upon request, the "as-built" plans and O&M manuals shall be filed with DEP.
- 18. The sewers shall have adequate foundation support as soil conditions require. Trenches shall be back-filled to ensure that sewers will have proper structural stability, with minimum settling and adequate protection against breakage. Concrete used in connection with these sewers shall be protected from damage by water, freezing, drying or other harmful conditions until cured.
- 19. Stormwater from roofs, foundation drains, basement drains or other sources shall not be admitted directly to the sanitary sewers.
- 20. The approved sewers shall be maintained in good condition, kept free of deposits by flushing or other cleaning methods and repaired when necessary.
- 21. The sewerage facilities shall be properly operated and maintained to perform as designed.
- 22. The attention of the permittee is called to the highly explosive nature of certain gases generated by the digestion of sewage solids when these gases are mixed in proper proportions with air and to the highly toxic character of certain gases arising from such digestion or from sewage in poorly ventilated compartments or sewers. Therefore, at all places throughout the sewerage facilities where hazard of fire, explosion or danger from toxic gases may occur, the permittee shall post conspicuous permanent and legible warnings. The permittee shall instruct all employees concerning the aforesaid hazards, first aid and emergency methods of meeting such hazards and shall make all necessary equipment and material accessible.
- 23. An operator certified in accordance with the Water and Wastewater Systems Operator Certification Act of February 21, 2002, 63 P.S. §§1001, *et seq.* shall operate the sewage treatment plant.
- 24. The permittee shall properly control any industrial waste discharged into its sewerage system by regulating the rate and quality of such discharge, requiring necessary pretreatment and excluding industrial waste, if necessary, to protect the integrity or operation of the permittee's sewerage system.
- 25. There shall be no physical connection between a public water supply system and a sewer or appurtenance to it which would permit the passage of any sewage or polluted water into the potable water supply. No water pipe shall pass through or come in contact with any part of a sewer manhole.
- 26. All connections to the approved sanitary sewers must be in accordance with the official Act 537 Plan and, if applicable, a corrective action plan as contained in the approved Title 25 Pa. Code Chapter 94 Municipal Wasteload Management Annual Report.
- 27. Collected screenings, slurries, sludge and other solids shall be handled and disposed of in compliance with Title 25 Pa. Code Chapters 271, 273, 275, 283 and 285 (related to permits and requirements for land filling, land application, incineration and storage of sewage sludge), Federal Regulations 40 CFR 257 and the Federal Clean Water Act and its amendments.



Application Type Transfer  
 Facility Type Sewage Treatment Plant  
 WQM Type Plant

**WATER QUALITY MANAGEMENT PERMIT  
 INTERNAL REVIEW AND  
 RECOMMENDATIONS**


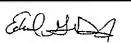
Application No. 5274401 T-2  
 APS ID 1144066  
 Authorization ID 1538356

**Applicant and Facility Information**

Applicant Name	<u>PL Utilities, LLC</u>	Facility Name	<u>Deer Haven WWTP</u>
Applicant Address	<u>40 Warren Street</u> <u>Paterson, NJ 07524</u>	Facility Address	<u>Route 507</u> <u>Greentown, PA 18426</u>
Applicant Contact	<u>Jacob Goren</u>	Facility Contact	<u>Jacob Goren</u>
Applicant Phone	<u>(973) 279-2050</u>	Facility Phone	<u>(973) 279-2050</u>
Client ID	<u>394695</u>	Site ID	<u>4394</u>
SIC Code	<u>4952</u>	Municipality	<u>Palmyra Township</u>
SIC Description	<u>Trans. &amp; Utilities - Sewerage Systems</u>	County	<u>Pike</u>
PA Bulletin Date	<u>-</u>		
Purpose of Application	<u>Transfer of WQM permit.</u>		

**Internal Review and Recommendations**

This authorization approves the transfer of the Deer Haven WWTP and other associated facilities to PL Utilities, LLC.

Approve	Return	Deny	Signatures	Date
X			 Brian Burden, E.I.T. / Project Manager	November 25, 2025
X			 Edward Dudick, P.E. / Environmental Engineer Manager	December 5, 2025
X			Amy M. Bellanca (signed) Amy M. Bellanca, P.E. / Program Manager	12-8-25

## **EXHIBIT 2A**



Pennsylvania  
Department of  
Environmental Protection

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF CLEAN WATER  
**WATER QUALITY MANAGEMENT**

**POST CONSTRUCTION CERTIFICATION**

PERMITTEE IDENTIFIER	
Permittee	Pocono Lakefront, LLC
Municipality	Palmyra Township
County	Pike County
WQM Permit No.	PA5215401
Facility Type	Sewage

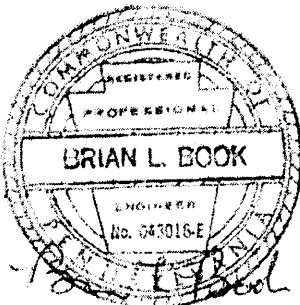
All of the above information should be taken directly from the Water Quality Management Permit.

**CERTIFICATION**

This certification must be completed and returned to the permits section of the DEP's regional office issuing the WQM permit within 30 days of completion of the project and received by DEP prior to operation, and if requested, as-built drawings, photographs (if available) and a discussion of any DEP-approved deviations from the design plans during construction.

I, being a Registered Professional Engineer in Pennsylvania, do hereby certify to the best of my knowledge and belief, based upon personal observation and interviews, that the above facility approved under the Water Quality Management Permit has been constructed in accordance with the plans, specifications and modifications approved by DEP.

Construction Completion Date (MM/DD/YYYY): 07/20/2022

	<b>Professional Engineer</b>	
	Name	<u>Brian Book</u> (Please Print or Type)
	Signature	<u>Brian Book</u>
	Date	<u>7/31/2025</u>
	License Expiration Date	
	Firm or Agency	<u>CP Engineers, LLC</u>
	Telephone	<u>814-996-2241</u>
	<b>Permittee or Authorized Representative</b>	
	Name	<u>JACOB FOREN</u> (Please Print or Type)
	Signature	<u>Jacob Foren</u>
Title	<u>GENERAL MANAGER</u>	
Telephone	<u>201 819 7964</u>	

## **EXHIBIT 2B**



Pennsylvania  
**Department of  
Environmental Protection**

December 9, 2025

**VIA ELECTRONIC MAIL**

Jacob Goren  
PL Utilities, LLC  
40 Warren Street  
Paterson, NJ 07524

Re: Permit Transfers - Sewage  
Deer Haven WWTP & Collection System  
WQM Permit Nos. 5274401 T-2 & 5277401 T-2  
Palmyra Township, Pike County

Dear Permittee:

In accordance with your request received on July 30, 2025, the Department of Environmental Protection (DEP) has transferred the above referenced permit(s). Please study the permit(s) carefully and direct any questions to this office.

Your facility is registered to use DEP's electronic DMR (eDMR) system (see [www.dep.state.pa.us/edmr](http://www.dep.state.pa.us/edmr)). DEP expects that the use of eDMR will continue for the facility. Therefore, the paper DMRs and supplemental forms attached to the permit should be used only for backup purposes. Please contact DEP using the contact information listed on the eDMR website to add new personnel or modify existing eDMR account information.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board), pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board's address is:

Environmental Hearing Board  
Rachel Carson State Office Building, Second Floor  
400 Market Street  
P.O. Box 8457  
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained

online at [www.ehb.pa.gov](http://www.ehb.pa.gov) or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

**IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.**

**IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.**

If you have any questions, please contact Brian Burden at 570.826.2331 or [brburden@pa.gov](mailto:brburden@pa.gov).

Sincerely,

*Amy M. Bellanca*

Amy M. Bellanca, P.E.  
Environmental Program Manager  
Clean Water Program

Enclosures

cc: U.S. Environmental Protection Agency  
Delaware River Basin Commission  
Brian L. Book – CP Engineers, LLC  
Sam Shahar – Deer Haven, LLC

## **EXHIBIT 3**



## WATER QUALITY MANAGEMENT PERMIT

<p>A. PERMITTEE (Name and Address):      CLIENT ID#: <b>394695</b></p> <p><b>PL Utilities, LLC</b> <b>40 Warren Street</b> <b>Paterson, NJ 07524</b></p>	<p>B. PROJECT/FACILITY (Name):</p> <p><b>Deer Haven Gravity Sanitary Sewers</b></p>	
<p>C. LOCATION (Municipality, County):      SITE ID#: <b>4394</b></p> <p><b>Palmyra Township, Pike County</b></p>		
<p>D. This permit/transfer approves the operation/transfer of sewage facilities consisting of:</p> <p style="margin-left: 20px;">- Deer Haven gravity sanitary sewers</p>		
<p>Pump Stations: <u>N/A</u></p>	<p>Manure Storage: <u>N/A</u></p>	<p>Sewage Treatment Facility: <u>N/A</u></p> <p>Annual Average Flow:      _____ MGD</p> <p>Design Hydraulic Capacity:      _____ MGD</p> <p>Design Organic Capacity:      _____ lb/day</p>
<p>E. APPROVAL GRANTED BY THIS PERMIT IS SUBJECT TO THE FOLLOWING:</p> <ol style="list-style-type: none"> <li>1. <b>Transfers:</b> Water Quality Management Permit No. <u>5277401 T-1</u> dated <u>October 1, 1987</u> and conditions, supporting documentation and addendums are also made part of this transfer.</li> <li>2. Permit Conditions Relating to Sewerage are attached and made part of this permit.</li> </ol>		
<p>F. THE AUTHORITY GRANTED BY THIS PERMIT IS SUBJECT TO THE FOLLOWING FURTHER QUALIFICATIONS:</p> <ol style="list-style-type: none"> <li>1. If there is a conflict between the application or its supporting documents and amendments and the attached conditions, the attached conditions shall apply.</li> <li>2. Failure to comply with the rules and regulations of DEP or with the terms or conditions of this permit shall void the authority given to the permittee by the issuance of this permit.</li> <li>3. This permit is issued pursuant to the Clean Streams Law Act of June 22, 1937, P.L. 1987, as amended 35 P.S. §691.1 <i>et seq.</i> Issuance of this permit shall not relieve the permittee of any responsibility under any other law.</li> </ol>		
<p><b>PERMIT ISSUED:</b></p> <p><u>December 9, 2025</u></p>	<p><b>BY:</b>      <u>Amy M. Bellanca</u></p> <p><b>TITLE:</b>      <b>Amy M. Bellanca, P.E.</b> <b>Clean Water Program Manager</b> <b>Northeast Regional Office</b></p>	



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF POINT AND NON-POINT SOURCE MANAGEMENT

**PERMIT CONDITIONS RELATING TO SEWERAGE**  
For use in Water Quality Management Permits

(Check boxes that apply)

**General**

- 1. The Department of Environmental Protection (DEP) considers the licensed Professional Engineer whose seal is affixed to the design documents to be fully responsible for the adequacy of all aspects of the facility design.
- 2. The permittee shall adopt and enforce an ordinance requiring the abandonment of privies, cesspools or similar receptacles for human waste and onlot sewage disposal systems on the premises of occupied structures accessible to public sewers. All such structures must be connected to the public sewers.
- 3. The outfall sewer or drain shall be extended to the low water mark of the receiving body of water. Where necessary to ensure proper mixing and waste assimilation, an outfall sewer or drain may be extended with appurtenances below the low water mark and into the bed of a navigable stream provided that the permittee has secured an easement, right-of-way, license or lease from DEP in accordance with Section 15 of the Dam Safety and Encroachments Act, the Act of November 26, 1978, P.L. 1375, as amended.
- 4. The approval is specifically made contingent on the permittee acquiring all necessary property rights, by easement or otherwise, providing for the satisfactory construction, operation, maintenance and replacement of all sewers or sewerage structures in, along or across private property with full rights of ingress, egress and regress.
- 5. When construction of the approved sewerage facilities is completed and before they are placed in operation, the permittee shall notify DEP in writing so that a DEP representative may inspect the facilities.
- 6. The approval of the plans, and the authority granted in this permit, if not specifically extended, shall cease and be null and void 5 years from the issuance date of this permit unless construction or modification of the facilities covered by this permit has begun on or before the fifth anniversary of the permit date.
- 7. If, at any time, the sewerage facilities covered by this permit create a public nuisance, including but not limited to, causing malodors or causing environmental harm to waters of the Commonwealth, DEP may require the permittee to adopt appropriate remedial measures to abate the nuisance or harm.
- 8. If, after the issuance of this permit, DEP approves a municipal sewage facilities official plan or an amendment to an official plan under Act 537 (Pennsylvania Sewage Facilities Act, the Act of January 24, 1966, P.L. 1535 as amended) in which sewage from the herein approved facilities will be treated and disposed of at other planned facilities, the permittee shall, upon notification from the municipality or DEP, provide for the conveyance of its sewage to the planned facilities, abandon use and decommission the herein approved facilities including the proper disposal of solids, and notify DEP accordingly. The permittee shall adhere to schedules in the approved official plan, amendments to the plan, or other agreements between the permittee and municipality. This permit shall then, upon notice from DEP, terminate and become null and void and shall be relinquished to DEP.
- 9. This permit does not relieve the permittee of its obligations to comply with all federal, interstate, state or local laws, ordinances and regulations applicable to the sewerage facilities.
- 10. This permit does not give any real or personal property rights or grant any exclusive privileges, nor shall it be construed to grant or confirm any right, easement or interest in, on, to or over any lands which belong to the Commonwealth.
- 11. The authority granted by this permit is subject to all effluent requirements, monitoring requirements and other conditions as set forth in the NPDES Permit and all subsequent amendments and renewals. No discharge is authorized from these facilities unless approved by an NPDES Permit.

**Construction**

- 12. This permit is issued under the authorization of The Clean Streams Law and 25 Pa. Code Chapter 91. The permittee shall obtain all necessary permits, approvals and/or registrations under 25 Pa. Code Chapters 102, 105 and 106 prior to commencing construction of the facilities authorized by this permit, as applicable. The permittee should contact the DEP office that issued this permit if there are any questions concerning the applicability of additional permits.

- 13. The facilities shall be constructed under the supervision of a Pennsylvania licensed Professional Engineer in accordance with the approved reports, plans and specifications.
- 14. A Pennsylvania licensed Professional Engineer shall certify that construction of the permitted facilities was completed in accordance with the application and design plans submitted to DEP, using the "Post Construction Certification" form (3800-PM-WSFR0179a). It is the permittee's responsibility to ensure that a Professional Engineer is on-site to provide the necessary oversight and/or inspections to certify the facilities. The certification must be submitted to DEP before the facility is placed in operation. As-built drawings, photographs (if available) and a description of all deviations from the application and design plans must be submitted to DEP within 30 days of certification.
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- 16. The local Waterways Conservation Officer of the Pennsylvania Fish and Boat Commission (PFBC) shall be notified when the construction of any stream crossing and/or outfall is started and completed. A written permit must be secured from the PFBC if the use of explosives in any waterways is required and the permittee shall notify the local Waterways Conservation Officer when explosives are to be used.

#### **Operation and Maintenance**

- 17. The permittee shall maintain records of "as-built" plans showing all the treatment facilities as actually constructed together with facility operation and maintenance (O&M) manuals and any other relevant information that may be required. Upon request, the "as-built" plans and O&M manuals shall be filed with DEP.
- 18. The sewers shall have adequate foundation support as soil conditions require. Trenches shall be back-filled to ensure that sewers will have proper structural stability, with minimum settling and adequate protection against breakage. Concrete used in connection with these sewers shall be protected from damage by water, freezing, drying or other harmful conditions until cured.
- 19. Stormwater from roofs, foundation drains, basement drains or other sources shall not be admitted directly to the sanitary sewers.
- 20. The approved sewers shall be maintained in good condition, kept free of deposits by flushing or other cleaning methods and repaired when necessary.
- 21. The sewerage facilities shall be properly operated and maintained to perform as designed.
- 22. The attention of the permittee is called to the highly explosive nature of certain gases generated by the digestion of sewage solids when these gases are mixed in proper proportions with air and to the highly toxic character of certain gases arising from such digestion or from sewage in poorly ventilated compartments or sewers. Therefore, at all places throughout the sewerage facilities where hazard of fire, explosion or danger from toxic gases may occur, the permittee shall post conspicuous permanent and legible warnings. The permittee shall instruct all employees concerning the aforesaid hazards, first aid and emergency methods of meeting such hazards and shall make all necessary equipment and material accessible.
- 23. An operator certified in accordance with the Water and Wastewater Systems Operator Certification Act of February 21, 2002, 63 P.S. §§1001, *et seq.* shall operate the sewage treatment plant.
- 24. The permittee shall properly control any industrial waste discharged into its sewerage system by regulating the rate and quality of such discharge, requiring necessary pretreatment and excluding industrial waste, if necessary, to protect the integrity or operation of the permittee's sewerage system.
- 25. There shall be no physical connection between a public water supply system and a sewer or appurtenance to it which would permit the passage of any sewage or polluted water into the potable water supply. No water pipe shall pass through or come in contact with any part of a sewer manhole.
- 26. All connections to the approved sanitary sewers must be in accordance with the official Act 537 Plan and, if applicable, a corrective action plan as contained in the approved Title 25 Pa. Code Chapter 94 Municipal Wasteload Management Annual Report.
- 27. Collected screenings, slurries, sludge and other solids shall be handled and disposed of in compliance with Title 25 Pa. Code Chapters 271, 273, 275, 283 and 285 (related to permits and requirements for land filling, land application, incineration and storage of sewage sludge), Federal Regulations 40 CFR 257 and the Federal Clean Water Act and its amendments.




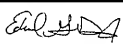
Application Type	<u>Transfer</u>	<b>WATER QUALITY MANAGEMENT PERMIT INTERNAL REVIEW AND RECOMMENDATIONS</b>	Application No.	<u>5277401 T-2</u>
Facility Type	<u>Sewage Collection System</u>		APS ID	<u>1144068</u>
WQM Type			Authorization ID	<u>1538359</u>

**Applicant and Facility Information**

Applicant Name	<u>PL Utilities, LLC</u>	Facility Name	<u>Deer Haven Gravity Sanitary Sewers</u>
Applicant Address	<u>40 Warren Street Paterson, NJ 07524</u>	Facility Address	<u>Route 507 Greentown, PA 18426</u>
Applicant Contact	<u>Jacob Goren</u>	Facility Contact	<u>Jacob Goren</u>
Applicant Phone	<u>(973) 279-2050</u>	Facility Phone	<u>(973) 279-2050</u>
Client ID	<u>394695</u>	Site ID	<u>4394</u>
SIC Code	<u>4952</u>	Municipality	<u>Palmyra Township</u>
SIC Description	<u>Trans. &amp; Utilities - Sewerage Systems</u>	County	<u>Pike</u>
PA Bulletin Date	<u>-</u>		
Purpose of Application	<u>Transfer of WQM permit.</u>		

**Internal Review and Recommendations**

This authorization approves the transfer of the Deer Haven gravity sanitary sewers and associated facilities to PL Utilities, LLC.

Approve	Return	Deny	Signatures	Date
X			 Brian Burden, E.I.T. / Project Manager	November 25, 2025
X			 Edward Dudick, P.E. / Environmental Engineer Manager	December 5, 2025
X			Amy M. Bellanca (signed) Amy M. Bellanca, P.E. / Program Manager	12-8-25

# **EXHIBIT 4**

**DOCKET NO. D-1974-091-3**

**DELAWARE RIVER BASIN COMMISSION**

**Discharge to a Tributary of Special Protection Waters**

**Pocono Lake Utilities LLC  
Pocono Lake Wastewater Treatment Plant  
Palmyra Township, Pike County, Pennsylvania**

**PROCEEDINGS**

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) on April 27, 2018 (Application), for approval of a newly constructed wastewater treatment plant (WWTP) that replaced the existing WWTP and its discharge. The Pennsylvania Department of Environmental Protection (PADEP) issued National Pollutant Discharge Elimination System (NPDES) Permit No. PA0041912 for this discharge.

The application was reviewed for continuation of the project in the Comprehensive Plan and approval under Section 3.8 of the *Delaware River Basin Compact*. The Pike County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on August 6, 2025.

**A. DESCRIPTION**

- Purpose.** The purpose of this docket is to approve of the docket holder's newly constructed Pocono Lake WWTP and its 0.07 mgd discharge. The Pocono Lake WWTP has replaced the existing Deer Haven WWTP. This docket also approves the name change of the newly constructed WWTP to Pocono Lake WWTP.
- Location.** The docket holder's WWTP is located at Route PA-507 in Palmyra Township, Pike County, Pennsylvania. The WWTP will continue to discharge treated effluent to Wallenpaupack Creek, upstream of Lake Wallenpaupack, River Mile 277.7 – 15.6 – 8.7 (Delaware River – Lackawaxen River – Wallenpaupack Creek) and is located in the drainage area to the Upper Delaware Special Protection Waters (SPW).

The location of the WWTP outfall in the Lackawaxen River Watershed is as follows:

<b>OUTFALL NO.</b>	<b>LATITUDE (N)</b>	<b>LONGITUDE (W)</b>
001	41° 22' 52"	75° 15' 5"

3. **Area Served.** The docket holder's WWTP will continue to serve the following developments: White Beauty View Estate Lots, Haven Developments, Pinecrest Lots, and other nearby lots. Additionally, the WWTP will serve the "Phase 1 – Pocono Lakefront" development that will include up to 218 units, located in Palmyra Township, Pike County, Pennsylvania. For the purpose of defining the Area Served, the Type of Discharge and the Service Area sections from the docket holder's Application are incorporated herein by reference, to the extent consistent with all other conditions contained in Section C. DECISION of this docket.

4. **Design Criteria.** The docket holder's 0.07 mgd WWTP utilizes a Waterneer-Biokube submerged aeration filter (SAF) treatment process with ultraviolet disinfection.

5. **Facilities.** The wastewater treatment plant begins with a headworks to remove discrete solids (screening/grinding and settling of grit). After this, the flow goes into an Extended Aeration Tank with 12 hours of hydraulic detention time and fine bubble aeration. In this tank, sludge which is settled out from a downstream tank is blended to maintain an appropriate food to biomass ratio and combined with oxygen biological active compounds, primarily measured as BOD, is broken down. The Mixed Liquor then flows to final clarification which removes the suspended micro-organisms. The clarified effluent goes to polishing filters. These filters ensure that the effluent is further cleaned. This polished effluent is then treated through UV light reactors which use the UV Light Irradiation which disinfects the wastewater prior to discharge to Lake Wallenpaupack.

The docket holder's WWTP discharges to waters classified as SPW and is required to have available standby power. The docket holder is required as part of the continued discharge to install a generator capable of providing standby power (See C. DECISION condition C.2.).

The docket holder's WWTP will not be staffed 24 hours per day and shall have a remote alarm system that continuously monitors plant operations in accordance with the Commission's SPW requirements. The docket holder is required as part of the continued discharge to install remote alarm systems (See Section C. DECISION condition C.2.).

The docket holder has prepared and implemented an emergency management plan (EMP) for the newly constructed WWTP in accordance with Commission SPW requirements.

The project facilities are not located in the 100-year floodplain.

Wasted sludge will continue to be hauled off-site for disposal in accordance with the NPDES Permit No. PA0041912.

6. **Water Withdrawals.** The potable water supply in the project service area is provided by the Deer Haven Water system, which is in the process of being transferred to Aqua Pennsylvania, Inc. The withdrawals are operated at a withdrawal rate below the DRBC groundwater withdrawal review threshold and are not subject to Commission review and approval.

7. **NPDES Permit / DRBC Effluent Requirements.** NPDES Permit No. PA0041912 issued by the PADEP includes final effluent limitations for the project discharge to surface waters classified by the PADEP as supporting high quality water cold water fishes (HQ-CWF) and migratory fishes (MF). EFFLUENT TABLES C-1 & C-2 included in Section C. DECISION condition C.1. of this docket contain effluent requirements for DRBC parameters that must be met as a condition of this approval. Effluent requirements for Outfall No. 001 are based on a discharge rate of 0.07 mgd.

8. **Relationship to the Comprehensive Plan.** The existing WWTP was unnecessarily included in the Comprehensive Plan by Docket No. D-1974-091 CP-2 on December 10, 2014. Issuance of this docket will remove the WWTP and its discharge from the Comprehensive Plan.

## B. FINDINGS

The docket holder applied to approve of their newly constructed Pocono Lake WWTP and its 0.07 mgd WWTP and its discharge. The Pocono Lake WWTP will replace the existing Deer Haven WWTP once all PADEP requirements are met.

### 1. **Special Protection Waters**

In 1992, the DRBC adopted SPW requirements, as part of the DRBC *Water Quality Regulations (WQR)*, designed to protect existing water quality in applicable areas of the Delaware River Basin. One hundred twenty miles of the Delaware River from Hancock, New York downstream to the Delaware Water Gap has been classified by the DRBC as SPW. This stretch includes the sections of the river federally designated as "Wild and Scenic" in 1978 -- the Upper Delaware Scenic and Recreational River and the Delaware Water Gap National Recreation Area -- as well as an eight-mile reach between Milrift and Milford, Pennsylvania which is not federally designated. The SPW regulations apply to this 120-mile stretch of the river and its drainage area.

On July 16, 2008, the DRBC approved amendments to its *WQR* that provide increased protection for waters that the Commission classifies as SPW. The portion of the Delaware River and its tributaries within the boundary of the Lower Delaware River Management Plan Area was approved for SPW designation and clarity on definitions and terms were updated for the entire program.

The docket holder's WWTP discharges to the drainage area to the Upper Delaware SPW. The docket holder's WWTP discharge is required to comply with the SPW requirements, as outlined in Article 3.10.3A.2. of the *WQR*.

Article 3.10.3A.2.e.1). and 2). of the Commission's *WQR* states that projects subject to review under Section 3.8 of the Compact that are located in the drainage area of SPW must submit for approval a Non-Point Source Pollution Control Plan (NPSPCP) that controls the new or increased non-point source loads generated within the portion of the docket holder's service area which is also located within the drainage area of SPW. The service area of the docket holder is located in the drainage area to the SPW. Since this project is located in the drainage area to Lake Wallenpaupack, a NPSPCP is not required in accordance with WQR Section 3.10.3A.2.e.1)(c).

However, as noted above in A.3. the docket holder's area served is located entirely in Palmyra Borough. This municipality has enacted and is actively implementing non-point source/stormwater control ordinance adopting the Borough of Palmyra Ordinance No. 750. Compliance with the Borough of Palmyra Ordinance No. 750, adopted December 18, 2012, generally meets the requirements of Article 3.10.3.A.2.e.1 of the Commission's Water Quality Regulations for the Area Served as described in A.3. above within Palmyra Borough. Prior to allowing connections from any new service areas or any new developments not in compliance with this Ordinance, where a NPSPCP may be required, the docket holder shall submit and have approved by the Executive Director of the DRBC a Non-Point Source Pollution Control Plan (NPSPCP) in accordance with Section 3.10.3.A.2.e. (See Section C. DECISION condition C.6.)

In accordance with Section 3.10.3A.2.f.1) and of the Commission's *WQR*, following consultation between the PADEP and Commission staff, The Commission has determined that the requirements under Section 3.10.3A.2.d.8) for evaluation of natural wastewater treatment system alternatives, demonstrations of No Measurable Change (NMC) to Existing Water Quality (EWQ), NPSPCP described within the Commission's *WQR* is not applicable to the proposed project since the WWTP will continue to discharge to waters that drain to a water storage impoundment (Lake Wallenpaupack) where time of travel and relevant hydraulic and limnological factors such as available assimilative capacity preclude a direct impact on SPW.

## 2. Other

The nearest surface water intake of record for public water supply is located on the Delaware River approximately 120 River Miles downstream of the docket holder's WWTP and is operated by Easton Area Water System.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The effluent limits in the NPDES Permit conform with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge that meets the effluent requirements as set forth in the Commission's *Water Quality Regulations (WQR)*.

### C. DECISION

Effective on the approval date for Docket No. D-1974-091 CP-3 below, the project described in Docket No. D-1974-091 CP-2 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-1974-091 CP-3; Docket No. D-1974-091 CP-2 is terminated and replaced by Docket No. D-1974-091 CP-3; and the project and the appurtenant facilities described in Section A "DESCRIPTION" of this docket shall be included in the Comprehensive Plan. The project and appurtenant facilities as described in Section A of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

#### Monitoring and Reporting

1. The docket holder shall comply with the requirements contained in the EFFLUENT TABLES below. The docket holder shall submit the required monitoring results electronically to the DRBC Project Review Section via email [aemr@drbc.gov](mailto:aemr@drbc.gov) on the **Annual Effluent Monitoring Report Form** located at this web address: <https://www.nj.gov/drbc/programs/project/docket-app-info.html#3>. The monitoring results shall be submitted annually, absent any observed limit violations, by January 31. If a DRBC effluent limit is violated, the docket holder shall submit the result(s) to the DRBC within 30 days of the violation(s) and provide a written explanation that states the action(s) the docket holder has taken to correct the violation(s) and protect against any future violations. The following average monthly effluent limits are among those listed in the NPDES Permit and meet or are more stringent than the effluent requirements of the DRBC.

**EFFLUENT TABLE C-1: DRBC Parameters Included in NPDES Permit**

<b>OUTFALL 001 (Lake Wallenpaupack)</b>		
<b>PARAMETER</b>	<b>LIMIT</b>	<b>MONITORING</b>
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
Total Suspended Solids	30 mg/l	As required by NPDES Permit
Dissolved Oxygen	6.0 mg/l (minimum at all times)	As required by NPDES Permit
CBOD <sub>5</sub> (at 20° C)	10 mg/l	As required by NPDES Permit
CBOD <sub>5</sub> (at 20° C) Influent	Monitor & Report	As required by NPDES Permit
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30)	3.0 mg/l 9.0 mg/l	As required by NPDES Permit
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200 colonies per 100 ml as a geo. avg. 2000 colonies per 100 ml as a geo. avg.	As required by NPDES Permit
Phosphorus	0.5 mg/l	As required by NPDES Permit
Nitrate-Nitrite as N	Monitor & Report	As required by NPDES

OUTFALL 001 (Lake Wallenpaupack)		
PARAMETER	LIMIT	MONITORING
		Permit
Total Nitrogen or Total Kjeldahl Nitrogen	Monitor & Report	As required by NPDES Permit

The following monitoring requirements and average monthly effluent limits are for DRBC parameters not listed in the NPDES Permit.

**EFFLUENT TABLE C-2: DRBC Parameters Not Included in NPDES Permit**

OUTFALL 001 (Lake Wallenpaupack)		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids*	1,000 mg/l *	One Per Quarter
CBOD <sub>5</sub> (at 20° C)	85 % Minimum Removal	Monthly

\* See DECISION Condition C.10.

2. The docket holder shall provide for standby power and install remote alarm controls and submit confirmation within 6 months of docket approval (or upon completion of the reconstructed WWTP, whichever occurs first.)
3. Within 30 days of completion of construction of the approved project, the docket holder is to submit to the attention of the Project Review Section of DRBC a Construction Completion Statement (“Statement”) signed by the docket holder’s professional engineer for the project. The Statement must (1) either confirm that construction has been completed in a manner consistent with any and all DRBC-approved plans or explain how the as-built project deviates from such plans; and (2) indicate the date on which the project was (or is to be) placed in operation.

**Other Conditions**

4. Sound practices of excavation, backfill and reseedling shall be followed to minimize erosion and deposition of sediment in streams.
5. Nothing in this docket constitutes a defense to any penalty action for past conduct of the docket holder or ongoing activity not authorized by this approval. In particular, renewal of this docket does not resolve violations – whether in the past or continuing – of provisions of the Delaware River Basin Compact (“Compact”) or any rule, regulation, order or approval duly issued by the Commission or the Executive Director pursuant to the Compact. The Commission reserves its right to take appropriate enforcement action against the docket holder, including but not limited to recovery of financial penalties consistent with Section 14.17 of the Compact, for any and all such prior or continuing violations.
6. Prior to allowing connections from any new service areas or any new developments, the docket holder shall either submit and have approved by the Executive Director of the DRBC a NPSPCP in accordance with Section 3.10.3.A.2.e, or receive written confirmation from the Executive Director of the DRBC that the new service area complies with a DRBC-approved NPSPCP.

7. Prior to the docket holder initiating any substantial alterations or additions to the existing WWTP as defined in Section 3.10.3A2.a.16) of the Commission's *WQR*, an application must be submitted and approved by the Commission. Such an application shall be submitted prior to final design to ensure that the Commission can provide the docket holder with draft effluent limitations for SPW specific parameters as guidance for design as to not require duplication of work or cause a substantial expenditure of public funds without Commission approval. The docket holder is encouraged to contact the Commission staff during the planning stages to identify the potential effluent limitations required to meet the no measurable change parameters under SPW.
8. Except as otherwise authorized by this docket, if the docket holder seeks relief from any limitation based upon a DRBC water quality standard or minimum treatment requirement, the docket holder shall apply for approval from the Executive Director or for a docket revision in accordance with Section 3.8 of the *Compact* and the *Rules of Practice and Procedure*.
9. The docket holder may request permission from the Executive Director to perform specific conductance monitoring in lieu of TDS monitoring. The request shall be made in writing and shall include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow specific conductance monitoring in lieu of TDS monitoring.
10. In accordance with 18 C.F.R. 401.8. of the Commission's *Rules of Practice and Procedure (RPP)*, if at any future time the Project is changed materially from the Project as described in this docket, it will be deemed to constitute a new and different project for the purposes of Article 11 of the Delaware River Basin Compact and will require Commission amendment of the Comprehensive Plan. In accordance with the same section of the RPP, whenever a change to the Project is made, the sponsor must advise the Executive Director, who will determine whether the change is deemed materially for purposes of this provision.
11. This approval shall expire on the expiration date set forth below unless prior thereto the docket holder has applied to the Commission to renew or extend this approval.
12. The docket holder is responsible for timely submittal to the DRBC of a docket renewal application on the appropriate application form including the appropriate docket application filing fee (see 18 C.F.R. 401.43) at least 6 months in advance of the docket expiration date set forth below. The docket holder will be subject to late filed renewal surcharges in the event of untimely submittal of its renewal application, whether DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. If a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below, the terms and conditions of the current docket will remain fully effective and enforceable pending the grant or denial of the application for docket approval.

13. The docket holder is permitted to treat and discharge wastewater as set forth in the Area Served Section of this docket, which incorporates by reference the Type of Discharge and Service Area sections of the docket holder's Application to the extent consistent with all other conditions of this section. Any expansion beyond that included in Section A.3. Area Served is subject to DRBC review and approval in accordance with Section 3.8 of the Compact.
14. In accordance with the Commission's regulations at 18 C.F.R. Part 440, the docket holder is prohibited from discharging wastewater from high volume hydraulic fracturing ("HVHF") or HVHF-related activities to waters or land within the Basin. The docket holder is further prohibited from discharging hydraulic fracturing wastewater, whether treated or untreated, from sources within or outside the Basin, without obtaining the Commission's prior review and express approval in the form of a revised docket. Violation of this or any condition of this docket approval may result in enforcement, including the risk of financial penalties, pursuant to Section 14.17 of the Delaware River Basin Compact and Section 2.7.8 (18 CFR 401.98) of the Commission's Rules of Practice and Procedure.
15. The facility and operational records shall be available at all times for inspection by the DRBC.
16. The facility shall be operated at all times to comply with the requirements of the Commission's *WQR*.
17. If at any time the receiving treatment plant proves unable to produce an effluent that is consistent with the requirements of this docket approval, no further connections shall be permitted until the deficiency is remedied.
18. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.
19. The docket holder shall discharge wastewater in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property.
20. No sewer service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).
21. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, to ensure proper control, use and management of the water resources of the Basin.
22. The docket holder shall be subject to applicable DRBC regulatory program fees, in accordance with duly adopted DRBC resolutions and/or regulations (see 18 C.F.R. 401.43).

**23.** This approval is transferable by request to the DRBC Executive Director provided that the project purpose and area served approved by the Commission in this docket will not be materially altered because of the change in project ownership. The request shall be submitted on the appropriate form and be accompanied by the appropriate fee (see 18 C.F.R. 401.43).

**24.** The docket holder shall request a name change of the entity to which this approval is issued if the name of the entity to which this approval is issued changes its name. The request for name change shall be submitted on the appropriate form and be accompanied by the appropriate fee (see 18 C.F.R. 401.43).

**25.** The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

**26.** Prior to allowing connections from any new service areas or any new developments not in compliance with the Ordinances described in Section B.1. above, the docket holder shall submit and have approved by the Executive Director of the DRBC a Non-Point Source Pollution Control Plan (NPSPCP) in accordance with Section 3.10.3.A.2.e.

**27.** Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the *Rules of Practice and Procedure (RPP)*. In accordance with Section 15.1(p) of the *Delaware River Basin Compact*, cases and controversies arising under the *Compact* are reviewable in the United States district courts.

**BY THE COMMISSION**

**APPROVAL DATE:           September 10, 2025**

**EXPIRATION DATE:       September 10, 2030**

## **EXHIBIT 5**



Pennsylvania  
**Department of  
Environmental Protection**

December 3, 2025

**VIA ELECTRONIC MAIL**

Jacob Goren  
PL Utilities, LLC  
40 Warren Street  
Paterson, NJ 07524

Re: Final NPDES Permit - Sewage  
Deer Haven WWTP  
NPDES Permit No. PA0041912  
Authorization ID No. 1538182  
Palmyra Township, Pike County

Dear Permittee:

Your NPDES permit is enclosed. Please read the permit carefully. The permit expires on the date identified on page 1 of the permit. A renewal application must be submitted to this office 180 days prior to the permit expiration date, if a discharge is expected to continue past the expiration date of the permit.

Enclosed are Discharge Monitoring Report (DMR) templates and DMR instructions. It is recommended that you retain the DMR templates in the event you are unable to submit DMRs electronically through DEP's eDMR system. Routine use of the eDMR system is a requirement of the permit unless the conditions in Part A III.B.3 of the permit are met to submit hard copies.

Also enclosed is a Supplemental Form Inventory, which identifies the forms that are attached to the permit and must be submitted as attachments to eDMR reports, as applicable (see individual form instructions). The submission of other supplemental forms may be required in accordance with the permit. We encourage you to use the spreadsheet versions of supplemental forms that contain appropriate validation and DEP-approved calculations.

We would like to bring DEP's eNOTICE service to your attention. eNOTICE is a subscription service that provides options to receive notifications of DEP's activities such as the receipt of permit applications, comment periods for guidance and regulations, and stream redesignation evaluations. To sign up for an account, visit DEP's website ([www.dep.pa.gov](http://www.dep.pa.gov)) and select Data and Tools – Tools – eNOTICE.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board), pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board's address is:

**Environmental Hearing Board**

Jacob Goren

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December 3, 2025

Rachel Carson State Office Building, Second Floor  
400 Market Street  
P.O. Box 8457  
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at [www.ehb.pa.gov](http://www.ehb.pa.gov) or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

**IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.**

If you have any questions, please contact Brian Burden at 570.826.2331 or [brburden@pa.gov](mailto:brburden@pa.gov).

Sincerely,

*Amy M. Bellanca*

Amy M. Bellanca, P.E.  
Environmental Program Manager  
Clean Water Program

Enclosures

cc: U.S. Environmental Protection Agency  
Delaware River Basin Commission  
Sam Shahar – Deer Haven, LLC

Jacob Goren

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December 3, 2025

bcc: N.E. Monitoring & Compliance  
[RA-EPNPDES\\_Permits@pa.gov](mailto:RA-EPNPDES_Permits@pa.gov)  
File  
N.E. Office of Chief Counsel  
J. Buczynski  
R. Sax



**AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
DISCHARGE REQUIREMENTS FOR NON-MUNICIPAL  
SEWAGE TREATMENT WORKS**

**NPDES PERMIT NO: PA0041912**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 *et seq.* ("the Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 *et seq.*,

**PL Utilities, LLC  
40 Warren Street  
Paterson, NJ 07524**

is authorized to discharge from a facility known as **Deer Haven WWTP**, located in **Palmyra Township, Pike County**, to **Lake Wallenpaupack (HQ-CWF, MF)** in Watershed(s) **1-C** in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts A, B and C hereof.

**THIS PERMIT SHALL BECOME EFFECTIVE ON JANUARY 1, 2026**

**THIS PERMIT SHALL EXPIRE AT MIDNIGHT ON DECEMBER 31, 2030**

The authority granted by this permit is subject to the following further qualifications:

1. If there is a conflict between the application, its supporting documents and/or amendments and the terms and conditions of this permit, the terms and conditions shall apply.
2. Failure to comply with the terms, conditions or effluent limitations of this permit is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. (40 CFR 122.41(a))
3. A complete application for renewal of this permit, or notice of intent to cease discharging by the expiration date, must be submitted to DEP at least 180 days prior to the above expiration date (unless permission has been granted by DEP for submission at a later date), using the appropriate NPDES permit application form. (40 CFR 122.41(b), 122.21(d)(2))

In the event that a timely and complete application for renewal has been submitted and DEP is unable, through no fault of the permittee, to reissue the permit before the above expiration date, the terms and conditions of this permit, including submission of the Discharge Monitoring Reports (DMRs), will be automatically continued and will remain fully effective and enforceable against the discharger until DEP takes final action on the pending permit application. (25 Pa. Code §§ 92a.7(b), (c))

4. This NPDES permit does not constitute authorization to construct or make modifications to wastewater treatment facilities necessary to meet the terms and conditions of this permit.

**DATE PERMIT ISSUED** December 3, 2025

**ISSUED BY** Amy M. Bellanca

**Amy M. Bellanca, P.E.  
Environmental Program Manager  
Northeast Regional Office**

**PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS**

I. A. For Outfall 001, Latitude 41° 22' 52", Longitude -75° 15' 5", River Mile Index \_\_\_\_\_, Stream Code \_\_\_\_\_

Receiving Waters: Lake Wallenpaupack (HQ-CWF, MF)

Type of Effluent: Sewage Effluent

1. The permittee is authorized to discharge during the period from **January 1, 2026** through **December 31, 2026**.
2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) <sup>(1)</sup>		Concentrations (mg/L)				Minimum <sup>(2)</sup> Measurement Frequency	Required Sample Type
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	Instant. Maximum		
Total Residual Chlorine (TRC)	XXX	XXX	XXX	1.2	XXX	2.8	1/day	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 001

**PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS**

I. B. For Outfall 001, Latitude 41° 22' 52", Longitude -75° 15' 5", River Mile Index \_\_\_\_\_, Stream Code \_\_\_\_\_

Receiving Waters: Lake Wallenpaupack (HQ-CWF, MF)

Type of Effluent: Sewage Effluent

1. The permittee is authorized to discharge during the period from **January 1, 2027** through **December 31, 2030**.
2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) <sup>(1)</sup>		Concentrations (mg/L)				Minimum <sup>(2)</sup> Measurement Frequency	Required Sample Type
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	Instant. Maximum		
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6	1/day	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 001

**PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS**

I. C. For Outfall 001, Latitude 41° 22' 52", Longitude -75° 15' 5", River Mile Index \_\_\_\_\_, Stream Code \_\_\_\_\_

Receiving Waters: Lake Wallenpaupack (HQ-CWF, MF)

Type of Effluent: Sewage Effluent

1. The permittee is authorized to discharge during the period from **January 1, 2026** through **December 31, 2030**.
2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) <sup>(1)</sup>		Concentrations (mg/L)				Minimum <sup>(2)</sup> Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Maximum	Instant. Maximum		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX	1/week	Measured
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0	1/day	Grab
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX	1/day	Grab
Carbonaceous Biochemical Oxygen Demand (CBOD5)	XXX	XXX	XXX	10.0	XXX	20.0	2/month	8-Hr Composite
Carbonaceous Biochemical Oxygen Demand (CBOD5) Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX	2/month	8-Hr Composite
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0	2/month	8-Hr Composite
Total Dissolved Solids	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX	1/quarter	8-Hr Composite
Fecal Coliform (No./100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000	2/month	Grab
Fecal Coliform (No./100 ml) May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000	2/month	Grab
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab

Outfall001, Continued (from October 1, 2025 through September 30, 2030 )

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) <sup>(1)</sup>		Concentrations (mg/L)				Minimum <sup>(2)</sup> Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly Report Avg Qrtly	Maximum	Instant. Maximum		
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX	1/quarter	8-Hr Composite
Total Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX	1/quarter	Calculation
Ammonia-Nitrogen Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18.0	2/month	8-Hr Composite
Ammonia-Nitrogen May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0	2/month	8-Hr Composite
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX	1/quarter	8-Hr Composite
Total Phosphorus	Report	XXX	XXX	0.5	XXX	1.0	2/month	8-Hr Composite
Total Phosphorus (Total Load, lbs) (lbs)	XXX	106 Total Annual	XXX	XXX	XXX	XXX	1/year	Calculation

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 001

**PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS  
(Continued)**

Additional Requirements

1. The permittee may not discharge:
  - a. Floating solids, scum, sheen or substances that result in observed deposits in the receiving water. (25 Pa Code § 92a.41(c))
  - b. Oil and grease in amounts that cause a film or sheen upon or discoloration of the waters of this Commonwealth or adjoining shoreline, or that exceed 15 mg/l as a daily average or 30 mg/l at any time (or lesser amounts if specified in this permit). (25 Pa. Code § 92a.47(a)(7), § 95.2(2))
  - c. Substances in concentration or amounts sufficient to be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life. (25 Pa Code § 93.6(a))
  - d. Foam or substances that produce an observed change in the color, taste, odor or turbidity of the receiving water, unless those conditions are otherwise controlled through effluent limitations or other requirements in this permit. For the purpose of determining compliance with this condition, DEP will compare conditions in the receiving water upstream of the discharge to conditions in the receiving water approximately 100 feet downstream of the discharge to determine if there is an observable change in the receiving water. (25 Pa Code § 92a.41(c))
2. If the permit requires the reporting of average weekly statistical results, the maximum weekly average concentration and maximum weekly average mass loading shall be reported, regardless of whether the results are obtained for the same or different weeks.
3. The permittee shall monitor the sewage effluent discharge(s) for the effluent parameters identified in the Part A limitations table(s) during all bypass events at the facility, using the sample types that are specified in the limitations table(s). Where the required sample type is "composite", the permittee must commence sample collection within one hour of the start of the bypass, wherever possible. The results shall be reported on the Daily Effluent Monitoring supplemental form (3800-FM-BCW0435) and be incorporated into the calculations used to report self-monitoring data on Discharge Monitoring Reports (DMRs).

Footnotes

- (1) When sampling to determine compliance with mass effluent limitations, the discharge flow at the time of sampling must be measured and recorded.
- (2) This is the minimum number of sampling events required. Permittees are encouraged, and it may be advantageous in demonstrating compliance, to perform more than the minimum number of sampling events.

Supplemental Information

- (1) The effluent limitations for Outfall 001 were determined using an effluent discharge rate of 0.07 MGD.
- (2) Total Nitrogen is the sum of Total Kjeldahl-N (TKN) plus Nitrite-Nitrate as N ( $\text{NO}_2 + \text{NO}_3\text{-N}$ ), where TKN and  $\text{NO}_2 + \text{NO}_3\text{-N}$  are measured in the same sample.

## II. DEFINITIONS

*At Outfall (XXX)* means a sampling location in outfall line XXX below the last point at which wastes are added to outfall line (XXX), or where otherwise specified.

*Average* refers to the use of an arithmetic mean, unless otherwise specified in this permit. (40 CFR 122.41(l)(4)(iii))

*Best Management Practices (BMPs)* means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollutant loading to surface waters of the Commonwealth. The term also includes treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. The term includes activities, facilities, measures, planning or procedures used to minimize accelerated erosion and sedimentation and manage stormwater to protect, maintain, reclaim, and restore the quality of waters and the existing and designated uses of waters within this Commonwealth before, during and after earth disturbance activities. (25 Pa. Code § 92a.2)

*Bypass* means the intentional diversion of waste streams from any portion of a treatment facility. (40 CFR 122.41(m)(1)(i))

*Calendar Week* is defined as the seven consecutive days from Sunday through Saturday, unless the permittee has been given permission by DEP to provide weekly data as Monday through Friday based on showing excellent performance of the facility and a history of compliance. In cases when the week falls in two separate months, the month with the most days in that week shall be the month for reporting.

*Clean Water Act* means the Federal Water Pollution Control Act, as amended. (33 U.S.C.A. §§ 1251 to 1387).

*Composite Sample* (for all except GC/MS volatile organic analysis) means a combination of individual samples (at least eight for a 24-hour period or four for an 8-hour period) of at least 100 milliliters (mL) each obtained at spaced time intervals during the compositing period. The composite must be flow-proportional; either the volume of each individual sample is proportional to discharge flow rates, or the sampling interval is proportional to the flow rates over the time period used to produce the composite. (EPA Form 2C)

*Composite Sample* (for GC/MS volatile organic analysis) consists of at least four aliquots or grab samples collected during the sampling event (not necessarily flow proportioned). The samples must be combined in the laboratory immediately before analysis and then one analysis is performed. (EPA Form 2C)

*Daily Average Temperature* means the average of all temperature measurements made, or the mean value plot of the record of a continuous automated temperature recording instrument, either during a calendar day or during the operating day if flows are of a shorter duration.

*Daily Discharge* means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day. (25 Pa. Code § 92a.2, 40 CFR 122.2)

*Daily Maximum Discharge Limitation* means the highest allowable "daily discharge."

*Discharge Monitoring Report (DMR)* means the DEP or EPA supplied form(s) for the reporting of self-monitoring results by the permittee. (25 Pa. Code § 92a.2, 40 CFR 122.2)

*Estimated Flow* means any method of liquid volume measurement based on a technical evaluation of the sources contributing to the discharge including, but not limited to, pump capabilities, water meters and batch discharge volumes.

*Geometric Mean* means the average of a set of n sample results given by the nth root of their product.

*Grab Sample* means an individual sample of at least 100 mL collected at a randomly selected time over a period not to exceed 15 minutes. (EPA Form 2C)

*Hazardous Substance* means any substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act. (40 CFR 122.2)

*Hauled-In Wastes* means any waste that is introduced into a treatment facility through any method other than a direct connection to the sewage collection system. The term includes wastes transported to and disposed of within the treatment facility or other entry points within the collection system.

*Immersion Stabilization (i-s)* means a calibrated device is immersed in the wastewater until the reading is stabilized.

*Instantaneous Maximum Effluent Limitation* means the highest allowable discharge of a concentration or mass of a substance at any one time as measured by a grab sample. (25 Pa. Code § 92a.2)

*Measured Flow* means any method of liquid volume measurement, the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.

*Monthly Average Discharge Limitation* means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. (25 Pa. Code § 92a.2)

*Municipal Waste* means garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and sludge not meeting the definition of residual or hazardous waste under this section from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant or air pollution control facility. (25 Pa. Code § 271.1)

*Residual Waste* means garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and agricultural operations and sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, if it is not hazardous. The term does not include coal refuse as defined in the Coal Refuse Disposal Control Act. The term does not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under the Clean Streams Law. (25 Pa Code § 287.1)

*Severe Property Damage* means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. (40 CFR 122.41(m)(1)(ii))

*Stormwater* means the runoff from precipitation, snow melt runoff, and surface runoff and drainage. (25 Pa. Code § 92a.2)

*Stormwater Associated With Industrial Activity* means the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant, and as defined at 40 CFR §122.26(b)(14)(i) - (ix) and (xi) and 25 Pa. Code § 92a.2.

*Total Dissolved Solids* means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR Part 136.

*Toxic Pollutant* means those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains may, on the basis of information available to DEP cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including

malfunctions in reproduction, or physical deformations in these organisms or their offspring. (25 Pa. Code § 92a.2)

### III. SELF-MONITORING, REPORTING AND RECORDKEEPING

#### A. Representative Sampling

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity (40 CFR 122.41(j)(1)). Representative sampling includes the collection of samples, where possible, during periods of adverse weather, changes in treatment plant performance and changes in treatment plant loading. If possible, effluent samples must be collected where the effluent is well mixed near the center of the discharge conveyance and at the approximate mid-depth point, where the turbulence is at a maximum and the settlement of solids is minimized. (40 CFR 122.48, 25 Pa. Code § 92a.61)

2. Records Retention (40 CFR 122.41(j)(2))

Except for records of monitoring information required by this permit related to the permittee's sludge use and disposal activities which shall be retained for a period of at least 5 years, all records of monitoring activities and results (including all original strip chart recordings for continuous monitoring instrumentation and calibration and maintenance records), copies of all reports required by this permit, and records of all data used to complete the application for this permit shall be retained by the permittee for 3 years from the date of the sample measurement, report or application. The 3-year period shall be extended as requested by DEP or the EPA Regional Administrator.

3. Recording of Results (40 CFR 122.41(j)(3))

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date and time of sampling or measurements.
- b. The person(s) who performed the sampling or measurements.
- c. The date(s) the analyses were performed.
- d. The person(s) who performed the analyses.
- e. The analytical techniques or methods used; and the associated detection level.
- f. The results of such analyses.

4. Test Procedures

- a. Facilities that test or analyze environmental samples used to demonstrate compliance with this permit shall be in compliance with laboratory accreditation requirements of Act 90 of 2002 (27 Pa. C.S. §§ 4101-4113) and 25 Pa. Code Chapter 252, relating to environmental laboratory accreditation.
- b. Test procedures (methods) for the analysis of pollutants or pollutant parameters shall be those approved under 40 CFR Part 136 or required under 40 CFR Chapter I, Subchapters N or O, unless the method is specified in this permit or has been otherwise approved in writing by DEP. (40 CFR 122.41(j)(4), 122.44(i)(1)(iv))
- c. Test procedures (methods) for the analysis of pollutants or pollutant parameters shall be sufficiently sensitive. A method is sufficiently sensitive when 1) the method minimum level is at or below the level of the effluent limit established in the permit for the measured pollutant or pollutant parameter; or 2) the method has the lowest minimum level of the analytical methods approved under 40 CFR Part 136 or required under 40 CFR Chapter I, Subchapters N or O, for the measured pollutant or pollutant parameter; or 3) the method is specified in this permit or has been otherwise approved in writing by DEP for the measured pollutant or pollutant parameter. Permittees have the option of providing matrix or sample-specific minimum levels rather than the published levels. (40 CFR 122.44(i)(1)(iv))

5. Quality/Assurance/Control

In an effort to assure accurate self-monitoring analyses results:

- a. The permittee, or its designated laboratory, shall participate in the periodic scheduled quality assurance inspections conducted by DEP and EPA. (40 CFR 122.41(e), 122.41(i)(3))
- b. The permittee, or its designated laboratory, shall develop and implement a program to assure the quality and accurateness of the analyses performed to satisfy the requirements of this permit, in accordance with 40 CFR Part 136. (40 CFR 122.41(j)(4))

B. Reporting of Monitoring Results

1. The permittee shall effectively monitor the operation and efficiency of all wastewater treatment and control facilities, and the quantity and quality of the discharge(s) as specified in this permit. (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a.44, 92a.61(i) and 40 CFR §§ 122.41(e), 122.44(i)(1))
2. The permittee shall use DEP's electronic Discharge Monitoring Report (eDMR) system to report the results of compliance monitoring under this permit (see [www.dep.pa.gov/edmr](http://www.dep.pa.gov/edmr)). Permittees that are not using the eDMR system as of the effective date of this permit shall submit the necessary registration and trading partner agreement forms to DEP's Bureau of Clean Water (BCW) within 30 days of the effective date of this permit and begin using the eDMR system when notified by DEP BCW to do so. (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a.61(g) and 40 CFR § 122.41(l)(4))
3. Submission of a physical (paper) copy of a Discharge Monitoring Report (DMR) is acceptable under the following circumstances:
  - a. For a permittee that is not yet using the eDMR system, the permittee shall submit a physical copy of a DMR to the DEP regional office that issued the permit during the interim period between the submission of registration and trading partner agreement forms to DEP and DEP's notification to begin using the eDMR system.
  - b. For any permittee, as a contingency a physical DMR may be mailed to the DEP regional office that issued the permit if there are technological malfunction(s) that prevent the successful submission of a DMR through the eDMR system. In such situations, the permittee shall submit the DMR through the eDMR system within 5 days following remedy of the malfunction(s).
4. DMRs must be completed in accordance with DEP's published DMR instructions (3800-FM-BCW0463). DMRs must be received by DEP no later than 28 days following the end of the monitoring period. DMRs are based on calendar reporting periods and must be received by DEP in accordance with the following schedule:
  - Monthly DMRs must be received within 28 days following the end of each calendar month.
  - Quarterly DMRs must be received within 28 days following the end of each calendar quarter, i.e., January 28, April 28, July 28, and October 28.
  - Semiannual DMRs must be received within 28 days following the end of each calendar semiannual period, i.e., January 28 and July 28.
  - Annual DMRs must be received by January 28, unless Part C of this permit requires otherwise.
5. The permittee shall complete all Supplemental Reporting forms (Supplemental DMRs) attached to this permit, or an approved equivalent, and submit the signed, completed forms as attachments to the DMR, through DEP's eDMR system. DEP's Supplemental Laboratory Accreditation Form (3800-FM-BCW0189) must be completed and submitted to DEP with the first DMR following issuance of this permit, and anytime thereafter when changes to laboratories or methods occur. (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a.61(g) and 40 CFR § 122.41(l)(4))
6. The completed DMR Form shall be signed and certified by either of the following applicable persons, as defined in 25 Pa. Code § 92a.22:

- For a corporation - by a principal executive officer of at least the level of vice president, or an authorized representative, if the representative is responsible for the overall operation of the facility from which the discharge described in the NPDES form originates.
- For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.
- For a municipality, state, federal or other public agency - by a principal executive officer or ranking elected official.

If signed by a person other than the above and for co-permittees, written notification of delegation of DMR signatory authority must be submitted to DEP in advance of or along with the relevant DMR form. (40 CFR § 122.22(b))

7. If the permittee monitors any pollutant at monitoring points as designated by this permit, using analytical methods described in Part A III.A.4. herein, more frequently than the permit requires, the results of this monitoring shall be incorporated, as appropriate, into the calculations used to report self-monitoring data on the DMR. (40 CFR 122.41(l)(4)(ii))

### C. Reporting Requirements

1. Planned Changes to Physical Facilities – The permittee shall give notice to DEP as soon as possible but no later than 30 days prior to planned physical alterations or additions to the permitted facility. A permit under 25 Pa. Code Chapter 91 may be required for these situations prior to implementing the planned changes. A permit application, or other written submission to DEP, can be used to satisfy the notification requirements of this section.

Notice is required when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b). (40 CFR 122.41(l)(1)(i))
  - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to effluent limitations in this permit. (40 CFR 122.41(l)(1)(ii))
  - c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan. (40 CFR 122.41(l)(1)(iii))
  - d. The planned change may result in noncompliance with permit requirements. (40 CFR 122.41(l)(2))
2. Planned Changes to Waste Stream – Under the authority of 25 Pa. Code § 92a.24(a), the permittee shall provide notice to DEP as soon as possible but no later than 45 days prior to any planned changes in the volume or pollutant concentration of its influent waste stream as a result of indirect discharges or hauled-in wastes, as specified in paragraphs 2.a. and 2.b., below. Notice shall be provided on the “Planned Changes to Waste Stream” Supplemental Report (3800-FM-BCW0482), available on DEP’s website. The permittee shall provide information on the quality and quantity of waste introduced into the facility, and any anticipated impact of the change on the quantity or quality of effluent to be discharged from the facility. The Report shall be sent via Certified Mail or other means to confirm DEP’s receipt of the notification. DEP will determine if the submission of a new application and receipt of a new or amended permit is required.
    - a. Introduction of New Pollutants (25 Pa. Code § 92a.24(a))

New pollutants are defined as parameters that meet all of the following criteria:

- (i) Were not detected in the facilities' influent waste stream as reported in the permit application; and
- (ii) Have not been approved to be included in the permittee's influent waste stream by DEP in writing.

The permittee shall provide notification of the introduction of new pollutants in accordance with paragraph 2 above. The permittee may not authorize the introduction of new pollutants until the permittee receives DEP's written approval.

b. Increased Loading of Approved Pollutants (25 Pa. Code § 92a.24(a))

Approved pollutants are defined as parameters that meet one or more of the following criteria:

- (i) Were detected in the facilities' influent waste stream as reported in the permittee's permit application; or
- (ii) Have been approved to be included in the permittee's influent waste stream by DEP in writing; or
- (iii) Have an effluent limitation or monitoring requirement in this permit.

The permittee shall provide notification of the introduction of increased influent loading (lbs/day) of approved pollutants in accordance with paragraph 2 above when (1) the cumulative increase in influent loading (lbs/day) exceeds 20% of the maximum loading reported in the permit application, or a loading previously approved by DEP, or (2) may cause an exceedance in the effluent of Effluent Limitation Guidelines (ELGs) or limitations in Part A of this permit, or (3) may cause interference or pass through at the facility (as defined at 40 CFR 403.3), or (4) may cause exceedances of the applicable water quality standards in the receiving stream. Unless specified otherwise in this permit, if DEP does not respond to the notification within 30 days of its receipt, the permittee may proceed with the increase in loading. The acceptance of increased loading of approved pollutants may not result in an exceedance of ELGs or effluent limitations and may not cause exceedances of the applicable water quality standards in the receiving stream.

3. Reporting Requirements for Hauled-In Wastes

a. Receipt of Residual Waste

- (i) The permittee shall document the receipt of all hauled-in residual wastes (including but not limited to wastewater from oil and gas wells, food processing waste, and landfill leachate), as defined at 25 Pa. Code § 287.1, that are received for processing at the treatment facility. The permittee shall report hauled-in residual wastes on a monthly basis to DEP on the "Hauled In Residual Wastes" Supplemental Report (3800-FM-BCW0450) as an attachment to the DMR. If no residual wastes were received during a month, submission of the Supplemental Report is not required.

The following information is required by the Supplemental Report. The information used to develop the Report shall be retained by the permittee for five years from the date of receipt and must be made available to DEP or EPA upon request.

- (1) The dates that residual wastes were received.
- (2) The volume (gallons) of wastes received.
- (3) The license plate number of the vehicle transporting the waste to the treatment facility.
- (4) The permit number(s) of the well(s) where residual wastes were generated, if applicable.

- (5) The name and address of the generator of the residual wastes.
- (6) The type of wastewater.

The transporter of residual waste must maintain these and other records as part of the daily operational record (25 Pa. Code § 299.219). If the transporter is unable to provide this information or the permittee has not otherwise received the information from the generator, the residual wastes shall not be accepted by the permittee until such time as the permittee receives such information from the transporter or generator.

- (ii) The following conditions apply to the characterization of residual wastes received by the permittee:
  - (1) If the generator is required to complete a chemical analysis of residual wastes in accordance with 25 Pa. Code § 287.51, the permittee must receive and maintain on file a chemical analysis of the residual wastes it receives. The chemical analysis must conform to the Bureau of Waste Management's Form 26R except as noted in paragraph (2), below. Each load of residual waste received must be covered by a chemical analysis if the generator is required to complete it.
  - (2) For wastewater generated from hydraulic fracturing operations ("frac wastewater") within the first 30 production days of a well site, the chemical analysis may be a general frac wastewater characterization approved by DEP. Thereafter, the chemical analysis must be waste-specific and be reported on the Form 26R.

b. Receipt of Municipal Waste

- (i) The permittee shall document the receipt of all hauled-in municipal wastes (including but not limited to septage and liquid sewage sludge), as defined at 25 Pa. Code § 271.1, that are received for processing at the treatment facility. The permittee shall report hauled-in municipal wastes on a monthly basis to DEP on the "Hauled In Municipal Wastes" Supplemental Report (3800-FM-BCW0437) as an attachment to the DMR. If no municipal wastes were received during a month, submission of the Supplemental Report is not required.

The following information is required by the Supplemental Report:

- (1) The dates that municipal wastes were received.
- (2) The volume (gallons) of wastes received.
- (3) The BOD<sub>5</sub> concentration (mg/l) and load (lbs) for the wastes received.
- (4) The location(s) where wastes were disposed of within the treatment facility.
- (ii) Sampling and analysis of hauled-in municipal wastes must be completed to characterize the organic strength of the wastes, unless composite sampling of influent wastewater is performed at a location downstream of the point of entry for the wastes.

4. Unanticipated Noncompliance or Potential Pollution Reporting

- a. Immediate Reporting - The permittee shall immediately report any incident causing or threatening pollution in accordance with the requirements of 25 Pa. Code §§ 91.33 and 92a.41(b).
  - (i) If, because of an accident, other activity or incident a toxic substance or another substance which would endanger users downstream from the discharge, or would otherwise result in pollution or create a danger of pollution or would damage property, the permittee shall immediately notify DEP by telephone of the location and nature of the danger. Oral notification to the Department is required

as soon as possible, but no later than 4 hours after the permittee becomes aware of the incident causing or threatening pollution.

- (ii) If reasonably possible to do so, the permittee shall immediately notify downstream users of the waters of the Commonwealth to which the substance was discharged. Such notice shall include the location and nature of the danger.
  - (iii) The permittee shall immediately take or cause to be taken steps necessary to prevent injury to property and downstream users of the waters from pollution or a danger of pollution and, in addition, within 15 days from the incident, shall remove the residual substances contained thereon or therein from the ground and from the affected waters of this Commonwealth to the extent required by applicable law.
- b. The permittee shall report any noncompliance which may endanger health or the environment in accordance with the requirements of 40 CFR 122.41(l)(6). These requirements include the following obligations:
- (i) 24 Hour Reporting - The permittee shall orally report any noncompliance with this permit which may endanger health or the environment within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which must be reported within 24 hours under this paragraph:
    - (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
    - (2) Any upset which exceeds any effluent limitation in the permit; and
    - (3) Violation of the maximum daily discharge limitation for any of the pollutants listed in the permit as being subject to the 24-hour reporting requirement. (40 CFR 122.44(g))
  - (ii) Written Report - A written submission shall also be provided within 5 days of the time the permittee becomes aware of any noncompliance which may endanger health or the environment. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
  - (iii) Where the written report specified in paragraph (ii) above relates to combined sewer overflows, sanitary sewer overflows, or anticipated/unanticipated bypass events, the permittee shall submit the report to DEP electronically by an EPA-approved alternative compliance deadline in accordance with 40 CFR Part 127 or upon receipt of written notification from DEP, whichever occurs first.
  - (iv) Waiver of Written Report - DEP may waive the written report on a case-by-case basis if the associated oral report has been received within 24 hours from the time the permittee becomes aware of the circumstances which may endanger health or the environment. Unless such a waiver is expressly granted by DEP, the permittee shall submit a written report in accordance with this paragraph. (40 CFR 122.41(l)(6)(iii))

#### 5. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under paragraph C.4 of this section or specific requirements of compliance schedules, at the time DMRs are submitted, on the Non-Compliance Reporting Form (3800-FM-BCW0440). The reports shall contain the information listed in paragraph C.4.b.(ii) of this section. (40 CFR 122.41(l)(7))

D. Annual Fee (25 Pa. Code § 92a.62)

Permittees shall pay an annual fee in accordance with 25 Pa. Code § 92a.62. As of the effective date of this permit, the facility covered by the permit is classified in the **Minor Sewage Facility  $\geq 0.05$  and  $< 1$  MGD** fee category, which has an annual fee of **\$1,000**.

Invoices for annual fees will be mailed to permittees approximately three months prior to the due date. In the event that an invoice is not received, the permittee is nonetheless responsible for payment. Permittees may contact the DEP at 717-787-6744 with questions related to annual fees. The fee identified above is subject to change if DEP publishes changes to 25 Pa. Code § 92a.62.

Payment for annual fees shall be remitted to DEP at the address below or through DEP's electronic payment system ([www.depgreenport.state.pa.us/NPDESpay](http://www.depgreenport.state.pa.us/NPDESpay)) by the due date specified on the invoice. Checks, if used for payment, should be made payable to the Commonwealth of Pennsylvania.

PA Department of Environmental Protection  
Bureau of Clean Water  
Re: Chapter 92a Annual Fee  
P.O. Box 8466  
Harrisburg, PA 17105-8466

**PART B**

**I. MANAGEMENT REQUIREMENTS**

A. Compliance

1. The permittee shall comply with all conditions of this permit. If a compliance schedule has been established in this permit, the permittee shall achieve compliance with the terms and conditions of this permit within the time frames specified in this permit. (40 CFR 122.41(a)(1))
2. The permittee shall submit reports of compliance or noncompliance, or progress reports as applicable, for any interim and final requirements contained in this permit. Such reports shall be submitted no later than 14 days following the applicable schedule date or compliance deadline. (25 Pa. Code § 92a.51(c), 40 CFR 122.47(a)(4))

B. Permit Modification, Termination, or Revocation and Reissuance

1. This permit may be modified, terminated, or revoked and reissued during its term in accordance with Title 25 Pa. Code § 92a.72 and 40 CFR 122.41(f).
2. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition. (40 CFR 122.41(f))
3. In the absence of DEP action to modify or revoke and reissue this permit, the permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time specified in the regulations that establish those standards or prohibitions. (40 CFR 122.41(a)(1))

C. Duty to Provide Information

1. The permittee shall furnish to DEP, within a reasonable time, any information which DEP may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. (40 CFR 122.41(h))
2. The permittee shall furnish to DEP, upon request, copies of records required to be kept by this permit. (40 CFR 122.41(h))
3. Other Information - Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to DEP, it shall promptly submit the correct and complete facts or information. (40 CFR 122.41(l)(8))
4. If the sewage treatment facility provides service in part or whole to a municipality, through a contract or agreement between the operator and municipality, an annual report shall be submitted to DEP by March 31 containing the following information, at a minimum:
  - a. The information identified in 25 Pa. Code § 94.12.
  - b. A "Solids Management Inventory" if specified in Part C of this permit.
  - c. The total volume of hauled-in residual and municipal wastes received during the year, by source.

D. General Pretreatment Requirements

Where pollutants contributed by indirect dischargers result in interference or pass through, and a violation is likely to recur, the permittee shall develop and enforce specific limits for indirect dischargers and other users, as appropriate, that together with appropriate facility or operational changes, are necessary to ensure

renewed or continued compliance with this permit or sludge use or disposal practices. The permittee shall submit a copy of such limits to DEP when developed. (25 Pa. Code § 92a.47(d))

E. Proper Operation and Maintenance

1. The permittee shall employ operators certified in compliance with the Water and Wastewater Systems Operators Certification Act (63 P.S. §§ 1001-1015.1).
2. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes, but is not limited to, adequate laboratory controls including appropriate quality assurance procedures. This provision also includes the operation of backup or auxiliary facilities or similar systems that are installed by the permittee, only when necessary to achieve compliance with the terms and conditions of this permit. (40 CFR 122.41(e))

F. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge, sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. (40 CFR 122.41(d))

G. Bypassing

1. Bypassing Not Exceeding Permit Limitations - The permittee may allow a bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions in paragraphs two, three and four of this section. (40 CFR 122.41(m)(2))
2. Other Bypassing - In all other situations, bypassing is prohibited and DEP may take enforcement action against the permittee for bypass unless:
  - a. A bypass is unavoidable to prevent loss of life, personal injury or "severe property damage." (40 CFR 122.41(m)(4)(i)(A))
  - b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance. (40 CFR 122.41(m)(4)(i)(B))
  - c. The permittee submitted the necessary notice required in G.4.a. and b. below. (40 CFR 122.41(m)(4)(i)(C))
3. DEP may approve an anticipated bypass, after considering its adverse effects, if DEP determines that it will meet the conditions listed in G.2. above. (40 CFR 122.41(m)(4)(ii))
4. Notice
  - a. Anticipated Bypass – If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least 10 days before the bypass. (40 CFR 122.41(m)(3)(i))
  - b. Unanticipated Bypass – The permittee shall submit oral notice of any other unanticipated bypass within 24 hours, regardless of whether the bypass may endanger health or the environment or whether the bypass exceeds effluent limitations. The notice shall be in accordance with Part A III.C.4.b.

#### H. Sanitary Sewer Overflows (SSOs)

An SSO is an overflow of wastewater, or other untreated discharge from a separate sanitary sewer system (which is not a combined sewer system), which results from a flow in excess of the carrying capacity of the system or from some other cause prior to reaching the headworks of the sewage treatment facility. SSOs are not authorized under this permit. The permittee shall immediately report any SSO to DEP in accordance with Part A III.C.4 of this permit.

#### I. Termination of Permit Coverage (25 Pa. Code § 92a.74 and 40 CFR 122.64)

1. Notice of Termination (NOT) – If the permittee plans to cease operations or will otherwise no longer require coverage under this permit, the permittee shall submit DEP's NPDES Notice of Termination (NOT) for Permits Issued Under Chapter 92a (3800-BCW-0410), signed in accordance with Part A III.B.6 of this permit, at least 30 days prior to cessation of operations or the date by which coverage is no longer required.
2. Where the permittee plans to cease operations, NOTs must be accompanied with an operation closure plan that identifies how tankage and equipment will be decommissioned and how pollutants will be managed, as applicable.
3. The permittee shall submit the NOT to the DEP regional office with jurisdiction over the county in which the facility is located.

## II. PENALTIES AND LIABILITY

#### A. Violations of Permit Conditions

Any person violating Sections 301, 302, 306, 307, 308, 318 or 405 of the Clean Water Act or any permit condition or limitation implementing such sections in a permit issued under Section 402 of the Act is subject to civil, administrative and/or criminal penalties as set forth in 40 CFR §122.41(a)(2).

Any person or municipality, who violates any provision of this permit; any rule, regulation or order of DEP; or any condition or limitation of any permit issued pursuant to the Clean Streams Law, is subject to criminal and/or civil penalties as set forth in Sections 602, 603 and 605 of the Clean Streams Law.

#### B. Falsifying Information

Any person who does any of the following:

- Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, or
- Knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit (including monitoring reports or reports of compliance or noncompliance)

Shall, upon conviction, be punished by a fine and/or imprisonment as set forth in 18 Pa.C.S.A § 4904 and 40 CFR 122.41(j)(5) and (k)(2).

#### C. Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance pursuant to Section 309 of the Clean Water Act or Sections 602, 603 or 605 of the Clean Streams Law.

Nothing in this permit shall be construed to preclude the institution of any legal action or to relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject to under the Clean Water Act and the Clean Streams Law.

D. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. (40 CFR 122.41(c))

III. OTHER RESPONSIBILITIES

A. Right of Entry

Pursuant to Sections 5(b) and 305 of Pennsylvania's Clean Streams Law, and Title 25 Pa. Code Chapter 92a and 40 CFR 122.41(i), the permittee shall allow authorized representatives of DEP and EPA, upon the presentation of credentials and other documents as may be required by law:

1. To enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit; (40 CFR 122.41(i)(1))
2. To have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit; (40 CFR 122.41(i)(2))
3. To inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and (40 CFR 122.41(i)(3))
4. To sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Clean Streams Law, any substances or parameters at any location. (40 CFR 122.41(i)(4))

B. Transfer of Permits

1. Transfers by modification. Except as provided in paragraph 2 of this section, a permit may be transferred by the permittee to a new owner or operator only if this permit has been modified or revoked and reissued, or a minor modification made to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act. (40 CFR 122.61(a))
2. Automatic transfers. As an alternative to transfers under paragraph 1 of this section, any NPDES permit may be automatically transferred to a new permittee if:
  - a. The current permittee notifies DEP at least 30 days in advance of the proposed transfer date in paragraph 2.b. of this section; (40 CFR 122.61(b)(1))
  - b. The notice includes the appropriate DEP transfer form signed by the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them; and (40 CFR 122.61(b)(2))
  - c. DEP does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue this permit, the transfer is effective on the date specified in the agreement mentioned in paragraph 2.b. of this section. (40 CFR 122.61(b)(3))
  - d. The new permittee is in compliance with existing DEP issued permits, regulations, orders and schedules of compliance, or has demonstrated that any noncompliance with the existing permits has been resolved by an appropriate compliance action or by the terms and conditions of the permit (including compliance schedules set forth in the permit), consistent with 25 Pa. Code § 92a.51 (relating to schedules of compliance) and other appropriate DEP regulations. (25 Pa. Code § 92a.71)
3. In the event DEP does not approve transfer of this permit, the new owner or operator must submit a new permit application.

C. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege. (40 CFR 122.41(g))

D. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit. (40 CFR 122.41(b))

E. Other Laws

The issuance of this permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations.

**PART C****I. OTHER REQUIREMENTS**

- A. No storm water from pavements, area ways, roofs, foundation drains or other sources shall be directly admitted to the sanitary sewers associated with the herein approved discharge.
- B. The approval herein given is specifically made contingent upon the permittee acquiring all necessary property rights by easement or otherwise, providing for the satisfactory construction, operation, maintenance or replacement of all sewers or sewerage structures associated with the herein approved discharge in, along, or across private property, with full rights of ingress, egress and regress.
- C. Collected screenings, slurries, sludges, and other solids shall be handled and disposed of in compliance with 25 Pa. Code, Chapters 75, and in a manner equivalent to the requirements indicated in Chapters 271, 273, 275, 283, and 285 (related to permits and requirements for landfilling, land application, incineration, and storage of sewage sludge), Federal Regulation 40 CFR 257, Pennsylvania Clean Streams Law, Pennsylvania Solid Waste Management Act of 1980, and the Federal Clean Water Act and its amendments. The permittee is responsible to obtain or assure that contracted agents have all necessary permits and approvals for the handling, storage, transport, and disposal of solid waste materials generated as a result of wastewater treatment.
- D. If, after the issuance of this permit, DEP approves a municipal sewage facilities official plan or an amendment to an official plan under Act 537 (Pennsylvania Sewage Facilities Act, the Act of January 24, 1966, P.L. 1535 as amended) in which sewage from the herein approved facilities will be treated and disposed of at other planned facilities, the permittee shall, upon notification from the municipality or DEP, provide for the conveyance of its sewage to the planned facilities, abandon use and decommission the herein approved facilities including the proper disposal of solids, and notify DEP accordingly. The permittee shall adhere to schedules in the approved official plan, amendments to the plan, or other agreements between the permittee and municipality. This permit shall then, upon notice from DEP, terminate and become null and void and shall be relinquished to DEP.
- E. The permittee shall optimize chlorine dosages used for disinfection or other purposes to minimize the concentration of Total Residual Chlorine (TRC) in the effluent, meet applicable effluent limitations, and reduce the possibility of adversely affecting the receiving waters. Optimization efforts may include an evaluation of wastewater characteristics, mixing characteristics, and contact times, adjustments to process controls, and maintenance of the disinfection facilities. If DEP determines that effluent TRC is causing adverse water quality impacts, DEP may reopen this permit to apply new or more stringent effluent limitations and/or require implementation of control measures or operational practices to eliminate such impacts.
- F. The waste load allocation (WLA) for Total Phosphorus for this facility is 48 kg/year (106 lbs/year), in accordance with the Lake Wallenpaupack Total Maximum Daily Load (TMDL). The TMDL Supplemental Report Annual Load Summary form (3800-FM-BPNPSM0448) shall be used to report monthly and annual total mass loads and shall be submitted annually. The completed form is due on November 28<sup>th</sup> of each year and shall be attached to the DMR submission.

The following definitions apply to the calculation of mass loads:

- A. Total Monthly Load (lbs) = The sum of the actual daily discharge loads (lb/d) divided by the number of samples per month multiplied by the number of days in the month. Daily discharge load (lb/d) = Daily flow (MGD) on the day of sampling, multiplied by that day's sample concentration (mg/l) multiplied by 8.34.
- B. Total Annual Load (lbs) = The sum of the Total Monthly Loads for one year beginning October 1<sup>st</sup> and ending September 30<sup>th</sup>.

**II. SOLIDS MANAGEMENT**

- A. The permittee shall manage and properly dispose of sewage sludge and/or biosolids by performing sludge wasting that maintains an appropriate mass balance of solids within the treatment system. The wasting rate must be developed and implemented considering the specific treatment process type, system loadings, and seasonal variation while maintaining compliance with effluent limitations. Holding excess sludge within clarifiers or in the disinfection process is not permissible.
- B. The permittee shall submit the Supplemental Reports entitled, "Supplemental Report – Sewage Sludge/Biosolids Production and Disposal" (Form No. 3800-FM-BCW0438) and "Supplemental Report – Influent & Process Control" (Form No. 3800-FM-BCW0436), as attachments to the DMR on a monthly basis. When applicable, the permittee shall submit the Supplemental Reports entitled, "Supplemental Report – Hauled In Municipal Wastes" (Form No. 3800-FM-BCW0437) and "Supplemental Report – Hauled In Residual Wastes" (Form No. 3800-FM-BCW0450), as attachments to the DMR.

**III. CHAPTER 94 REQUIREMENTS**

The permittee shall comply with the requirements of Chapter 94, Municipal Wasteload Management. The permittee shall submit a complete and accurate Wasteload Management Annual Report to the Department by March 31st of each year via electronic upload. The Report shall contain the information under Section 94.12 of the Department's wasteload management regulations, Title 25, Chapter 94."

## **EXHIBIT 6**



November 26, 2025

**VIA ELECTRONIC MAIL**

Jo-Anne Rose, Administrator  
Palmyra Township  
115 Buehler Lane  
Paupack, PA 18451  
[administrator@palmyrapike.org](mailto:administrator@palmyrapike.org)

Re: Approval Letter – Official Plan Update  
Act 537 Planning  
Act 537 Plan for PL Utilities, LLC  
APS ID # 1122693, AUTH ID # 1540579  
Palmyra Township, Pike County

Dear Jo-Anne Rose:

The Department of Environmental Protection (DEP) has reviewed the proposed Official Plan Update, dated March 2025 (received by the Department on September 4, 2025) with additional information dated October 2025 (received by the Department on October 21, 2025) and November 2025 (received by the Department on November 20, 2025) as submitted by CB3 Solutions, LLC. (Consultant) on behalf of PL Utilities LLC and Palmyra Township, Pike County, entitled Act 537 Plan for PL Utilities (Plan). The submission is consistent with the planning requirements in Chapter 71 of DEP's regulations.

The Plan provides for the transfer of ownership of the existing wastewater infrastructure located in a small portion of Palmyra Township along Lake Wallenpaupack from Deer Haven LLC to PL Utilities, LLC. The Plan includes the transfer of ownership of the existing collection and conveyance facilities and the NPDES Permit's discharge point of the existing Deer Haven Wastewater Treatment Plant (WWTP) to a new 70,000 gallon per day (GPD) WWTP to be owned and operated by PL Utilities, LLC. The existing Deer Haven WWTP will be decommissioned. All sanitary wastewater flows that were previously treated at the Deer Haven WWTP site will be redirected to the new PL Utilities LLC WWTP.

The administration of sewage planning within all areas of Palmyra Township, as required by the Pennsylvania Sewage Facilities Act (Act 537), will continue to be the responsibility of Palmyra Township and its Board of Supervisors. This includes, but is not limited to, sewage facilities planning modules, sewage facilities planning exemptions and sewage facilities plan update revisions and special studies.

The plan is approved with the following comments:

### PROJECT SPECIFIC COMMENTS

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1. The Department's Operation's staff should be contacted via email at least 2 business days prior to initial start-up of the new PL Utilities WWTP.
2. There are portions of the project that have not been constructed to date and therefore have not had as-builts submitted. When those portions, such as the proposed collection and conveyance system, the proposed force main, and piping to the existing outfall, have been constructed, the signed and sealed as-builts should be submitted to the Department as is required by the existing Water Quality Management Permit via Public Upload.
3. The Department's Operation's staff should be notified via email at least 2 business days prior to beginning the decommissioning of the existing Deer Haven WWTP.
4. The Department's Operation's staff should be contacted at via email at least 2 business days prior to discharging treated effluent from the new PL Utilities WWTP.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board), pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board's address is:

Environmental Hearing Board  
Rachel Carson State Office Building, Second Floor  
400 Market Street  
P.O. Box 8457  
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

**IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION.**

YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

**IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.**

If you have any questions or concerns, please contact me at 570-826-2318 or at [abellanca@pa.gov](mailto:abellanca@pa.gov) or Staci Shoemaker of my staff at 570-826-2333 or at [stashoemak@pa.gov](mailto:stashoemak@pa.gov) and refer to Application No. 1122693 and Authorization No. 15405179.

Sincerely,

A handwritten signature in blue ink that reads "Satt Nontuk for".

Amy M. Bellanca P.E.  
Program Manager  
Clean Water Program

cc: Jacob Goren, Managing Director/PL Utilities LLC  
Brian Book, PE/CB3 Solutions, LLC  
James Bloodworth, Secretary/Palmyra Township Planning Commission  
Michael Mrozinski, Planning Director/Pike County Office of Community Planning

bcc: A. Bellanca  
A. Conserette  
S. Novatnak  
S. Shoemaker  
T. Rustu  
T. Stires  
Clean Water, Palmyra Twp., Pike Co., OP/537 File

AB:SN:SS:ss

WP: Palmyra Twp, Pike Co – PL Utilities Act 537 Plan – Approval

T(D): 11/24/2025

R(F): 11/26/2025

JO-ANN ROSE  
ADMINISTRATOR  
PALMYRA TOWNSHIP  
115 BUEHLER LANE  
PAUPACK PA 18451  
administrator@palmyrapike.org

Jacob Goren  
PL Utilities LLC  
jacob@empire-industries.com

BRIAN BOOK PE  
CB3 SOLUTIONS LLC  
1161 SEIBERT RD  
BELLEFONTE PA 16823-8572  
Brian@CB3solutions.com

JAMES BLOODWORTH  
SECRETARY  
PALMYRA TWP PLANNING COMMISSION  
123 COTTAGE LAKE DRIVE  
GREENTOWN PA 18426

MR MICHAEL MROZINSKI  
PLANNING DIRECTOR  
PIKE COUNTY OFFICE OF COMMUNITY  
PLANNING  
837 ROUTE 6 - UNIT 3  
SHOHOLA PA 18458  
mmrozinski@pikepa.org

# **EXHIBIT 7**

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the Matter of:

Deer Haven, L.L.C.	:	Violations of The Clean Streams Law
15 Picatinny Road	:	and
Morristown, NJ 07960	:	NPDES Permit No. PA0041912
	:	Palmyra Township, Pike County and
Pocono Lakefront, LLC	:	Transfer of Deer Haven Sewer System to
61 West 62nd Street, #22E	:	PL Utilities
New York, New York, 10023	:	
	:	
	:	
PL Utilities, LLC	:	
61 West 62nd Street, #22E	:	
New York, New York, 10023	:	

**CONSENT ORDER AND AGREEMENT**

This Consent Order and Agreement is entered into this 17th day of July 2025, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), Deer Haven, L.L.C., Pocono Lakefront, LLC, and PL Utilities LLC.

The Department has found and determined the following:

A. The Department is the agency with the duty and authority to administer and enforce The Clean Streams Law, Act of June 22, 1937, P.L. 1987, *as amended*, 35 P.S. § 691.1-691.1001 ("Clean Streams Law"); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. § 510-17 ("Administrative Code"), and the rules and regulations promulgated thereunder.

B. Deer Haven, L.L.C. is a limited liability company that operates a wastewater treatment plant ("WWTP"), and accompanying wastewater collection system (collectively "Sewer System") located at 839 Route 507, Greentown, Pennsylvania 18426, and maintains a mailing address of 15 Picatinny Road, Morristown, NJ 07960 ("Deer Haven").

C. Pocono Lakefront, LLC is a limited liability company that maintains a mailing address of West 62nd Street, #22E, New York, New York, 10023 ("Pocono Lakefront").

D. PL Utilities, LLC is a limited liability company that maintains a mailing address of 61 West 62nd Steet, #22 E, New York, New York 10023 ("PLU").

E. Deer Haven, Pocono Lakefront, and PLU are each a "person" as defined in Section 1 of The Clean Streams Law, 35 P.S. § 691.1.

F. On June 27, 2012, the Department reissued National Pollutant Discharge

Elimination System Permit No. PA0041912 ("NPDES Permit") to Deer Haven, which authorized a discharge of treated sewage to Lake Wallenpaupack, in accordance with effluent limitations, monitoring requirements, and other conditions set forth in this NPDES Permit. The effective date of the NPDES Permit was July 1, 2012 with an expiration date of June 30, 2017.

G. On December 10, 2014, in response to an application by Kiley Associates, LLC on behalf of Pocono Lakefront, the Delaware River Basin Commission issued a decision at Docket No. D-1974-091 CP-2, approving Deer Haven's existing 0.07 mgd wastewater treatment plant and discharge; approved amending the service area to include 218 townhouses that will be included in the proposed Phase I development and the accompanying 0.07 mgd WWTP that will replace the Deer Haven WWTP upon completion of construction. That approval was set to expire on June 30, 2022. Currently pending with the DRBC is a 2018 application by PL Utilities, which the DRBC has described on its docket as "An application to renew the approval...".

H. On November 3, 2015, the Department issued Water Quality Management ("WQM") Permit No. 5215401 to Pocono Lakefront, which authorized the construction of a proposed wastewater treatment plant, sewage conveyance system and three (3) pump stations that will serve 218 townhouse units, a clubhouse facility, and a recreational area with a swimming pool and restrooms ("Pocono Lake WWTP").

I. Deer Haven is required by the NPDES Permit and Sections 201 and 202 of The Clean Streams Law, 35 P.S. §§ 691.201 and 691.202, to fully comply with the effluent limits set forth in the NPDES Permit.

J. The NPDES Permit requires that effluent discharged from Deer Haven meets identified concentration criteria for certain parameters on a routine basis. Deer Haven exceeded the NPDES Permit's effluent limitations as reported by Deer Haven monthly Discharge Monitoring Reports ("DMRs"), as follows:

<u>Monitoring Period</u>	<u>Parameter</u>	<u>Permit Limit</u>	<u>Reported Value</u>
May 2015	Ammonia-Nitrogen <i>Average Monthly</i>	3.0 mg/L	3.2 mg/L
June 2015	Ammonia-Nitrogen <i>Average Monthly</i>	3.0 mg/L	13.5 mg/L
June 2015	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	1.9 mg/L
July 2015	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	1.62g/L

K. Part A.III.B. of the NPDES Permit requires that each of Deer Haven's completed DMRs be received by the Department within 28 days from the end of each monitoring period. Failure to do so constitutes unlawful conduct under Section 611 of The Clean Streams Law, 35 P.S. § 691.611.

L. Deer Haven failed to submit monthly DMRs in a timely manner. Specifically, the following DMRs were received by the Department later than the requirements of the NPDES

Permit:

<u>Monitoring Period</u>	<u>Due Date</u>	<u>Date Received</u>
August 2015	September 28, 2015	September 29, 2015
September 2015	October 28, 2015	October 29, 2015
October 2015	November 28, 2015	December 4, 2015
February 2017	March 28, 2017	March 29, 2017
October 2017	November 28, 2017	November 29, 2017

M. Part A.I.A. of the NPDES Permit requires that Deer Haven sample in accordance with the frequency and sample type set forth in the NPDES Permit. Failure to properly sample constitutes unlawful conduct under Section 611 of The Clean Streams Law, 35 P.S. § 691.611.

N. Deer Haven failed to sample in accordance with the required sample type as reported by Deer Haven's monthly DMRs, as follows:

<u>Monitoring Period</u>	<u>Parameters</u>	<u>Sample Type Required</u>	<u>Sample Type Reported</u>
April 2015, May 2015, July 2015	CBOD <sub>5</sub> TSS Ammonia-Nitrogen Total Phosphorus	8-hour composite	Grab

O. Deer Haven failed to indicate sample type as reported by Deer Haven's monthly DMRs in violation of Part A.I.A. of the NPDES Permit, as follows:

<u>Monitoring Period</u>	<u>Parameters</u>
June 2015	CBOD <sub>5</sub> TSS Ammonia-Nitrogen Total Phosphorus

P. Deer Haven again exceeded the NPDES Permit's effluent limitations as reported by Deer Haven's monthly DMRs, as follows:

<u>Monitoring Period</u>	<u>Parameter</u>	<u>Permit Limit</u>	<u>Reported Value</u>
August 2015	Ammonia-Nitrogen <i>Average Monthly</i>	3.0 mg/L	4.09 mg/L
August 2015	Fecal Coliform <i>Geometric Mean</i>	200/100 mL	2,800/100 mL
August 2015	Fecal Coliform <i>Instantaneous Max</i>	1,000/100 mL	2,800/100 mL
September 2015	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	0.98 mg/L

February 2016	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	0.9 mg/L
April 2016	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	0.9 mg/L
May 2016	Ammonia-Nitrogen <i>Average Monthly</i>	3.0 mg/L	5.0 mg/L
May 2016	Fecal Coliform <i>Geometric Mean</i>	200/100 mL	220/100 mL
May 2016	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	1.0 mg/L
June 2016	Ammonia-Nitrogen <i>Average Monthly</i>	3.0 mg/L	19.0 mg/L
June 2016	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	2.4 mg/L
September 2016	Total Suspended Solids <i>Average Monthly</i>	30 mg/L	72 mg/L
September 2016	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	3.5 mg/L
October 2016	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	1.4 mg/L
November 2016	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	0.8 mg/L
December 2016	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	1.1 mg/L
February 2017	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	1.4 mg/L
March 2017	CBOD <sub>5</sub> <i>Average Monthly</i>	10.0 mg/L	12.0 mg/L
May 2017	Ammonia-Nitrogen <i>Average Monthly</i>	3.0 mg/L	4.2 mg/L
May 2017	Fecal Coliform <i>Geometric Mean</i>	200/100 mL	530/100 mL
June 2017	Ammonia-Nitrogen <i>Average Monthly</i>	3.0 mg/L	13.0 mg/L
June 2017	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	0.7 mg/L
August 2017	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	1.5 mg/L
October 2017	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	1.1 mg/L
December 2017	Dissolved Oxygen <i>Minimum</i>	6.0 mg/L	2.4 mg/L
February 2018	Fecal Coliform <i>Geometric Mean</i>	2,000/100 mL	9,500/100 mL
May 2018	Ammonia-Nitrogen <i>Average Monthly</i>	3.0 mg/L	12.4 mg/L
May 2018	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	0.92 mg/L

June 2018	Dissolved Oxygen <i>Minimum</i>	6.0 mg/L	1.7 mg/L
June 2018	Ammonia-Nitrogen <i>Average Monthly</i>	3.0 mg/L	15.8 mg/L
July 2018	Dissolved Oxygen <i>Minimum</i>	6.0 mg/L	1.7 mg/L
July 2018	CBOD <sub>5</sub> <i>Average Monthly</i>	10.0 mg/L	13.0 mg/L
July 2018	Fecal Coliform <i>Geometric Mean</i>	200/100 mL	>600/100 mL
July 2018	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	1.38 mg/L
September 2018	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	1.88 mg/L

Q. Part A.I.A. of the NPDES Permit requires that Deer Haven monitor and report all sample values on monthly DMRs as required by the NPDES Permit. Failure to do so constitutes unlawful conduct under Section 611 of The Clean Streams Law, 35 P.S. § 691.611.

R. Deer Haven failed to comply with the monitoring and reporting requirements of the NPDES Permit by failing to include sample data on its monthly DMRs for the following parameters:

<u>Monitoring Period</u>	<u>Parameters Not Reported</u>
November 2015	pH <i>Minimum S.U.</i> pH <i>Maximum S.U.</i>
February 2016	Dissolved Oxygen <i>Instantaneous Minimum (mg/L)</i>
July 2016	CBOD <sub>5</sub> <i>Average Monthly (mg/L)</i> Total Suspended Solids <i>Average Monthly (mg/L)</i> Fecal Coliform <i>Geometric Mean</i> Fecal Coliform <i>Instantaneous Maximum</i> Ammonia-Nitrogen <i>Average Monthly (mg/L)</i> Total Phosphorus <i>Average Monthly (mg/L)</i> Total Phosphorus <i>Average Monthly Loading (lbs/day)</i>
August 2016	pH <i>Minimum S.U.</i> pH <i>Maximum S.U.</i> Dissolved Oxygen <i>Instantaneous Minimum (mg/L)</i>

	Total Residual Chlorine <i>Monthly Average (mg/L)</i>
	Total Residual Chlorine <i>Instantaneous Maximum (mg/L)</i>
	CBOD <sub>5</sub> <i>Average Monthly (mg/L)</i>
	Total Suspended Solids <i>Average Monthly (mg/L)</i>
	Fecal Coliform <i>Geometric Mean</i>
	Fecal Coliform <i>Instantaneous Maximum</i>
	Ammonia-Nitrogen <i>Average Monthly (mg/L)</i>
	Total Phosphorus <i>Average Monthly (mg/L)</i>
	Total Phosphorus <i>Average Monthly Loading (lbs/day)</i>
November 2016	Total Residual Chlorine <i>Average Monthly (mg/L)</i>
	Total Residual Chlorine <i>Instantaneous Maximum (mg/L)</i>
	CBOD <sub>5</sub> <i>Average Monthly (mg/L)</i>
July 2017	Total Suspended Solids <i>Average Monthly (mg/L)</i>
	Fecal Coliform <i>Geometric Mean</i>
	Fecal Coliform <i>Instantaneous Maximum</i>
	Ammonia-Nitrogen <i>Average Monthly (mg/L)</i>
	Total Phosphorus <i>Average Monthly (mg/L)</i>
	Total Phosphorus <i>Average Monthly Loading (lbs/day)</i>
February 2018	Dissolved Oxygen <i>Instantaneous Minimum (mg/L)</i>
	Total Residual Chlorine <i>Average Monthly (mg/L)</i>
	Total Residual Chlorine <i>Instantaneous Maximum (mg/L)</i>
April 2018	Dissolved Oxygen <i>Instantaneous Minimum (mg/L)</i>
	Total Residual Chlorine <i>Average Monthly (mg/L)</i>
	Total Residual Chlorine <i>Instantaneous Maximum (mg/L)</i>
May 2018	Dissolved Oxygen <i>Instantaneous Maximum (mg/L)</i>

S. Deer Haven again failed to sample in accordance with the required sample type as reported by Deer Haven's monthly DMRs, as follows:

<u>Monitoring Period</u>	<u>Parameters</u>	<u>Sample Type Required</u>	<u>Sample Type Reported</u>
August 2015 through December 2015	CBOD <sub>5</sub> Total Suspended Solids Ammonia-Nitrogen Total Phosphorus	8-hour composite	Grab samples
April 2016 through June 2016; October 2016 and November 2016	CBOD <sub>5</sub> Total Suspended Solids Ammonia-Nitrogen Total Phosphorus	8-hour composite	Grab samples
September 2016 and December 2016	CBOD <sub>5</sub> Total Suspended Solids	8-hour composite	Grab samples
January 2017 and February 2017	CBOD <sub>5</sub> Total Suspended Solids Ammonia-Nitrogen Total Phosphorus	8-hour composite	Grab samples
March 2017 through May 2017	CBOD <sub>5</sub> Total Suspended Solids	8-hour composite	Grab samples
June 2017 and August 2017; October 2017 through December 2017	CBOD <sub>5</sub> Total Suspended Solids Ammonia-Nitrogen Total Phosphorus	8-hour composite	Grab samples
February 2018 through July 2018	CBOD <sub>5</sub> Total Suspended Solids Ammonia-Nitrogen Total Phosphorus	8-hour composite	Grab samples

T. Section 92a.62 of the Department's regulations, 25 Pa. Code § 92a.62, requires permittees to pay an annual fee to the Clean Water Fund. The annual fee is due on each anniversary of the effective date of the NPDES permit.

U. On April 1, 2016, the Department issued an invoice to Deer Haven for payment of its 2016 annual fee for the NPDES Permit by July 1, 2016, per 25 Pa. Code § 92a.62.

V. Deer Haven failed to pay the 2016 annual fee by July 1, 2016.

W. On August 2, 2016, the Department sent a Notice of Violation ("NOV") notifying Deer Haven of its failure to pay the 2016 annual fee for the NPDES Permit under the authority of 25 Pa. Code § 92a.62, as described in Paragraph V. Said NOV requested payment of said fee within 15 days from the date of the NOV.

X. Deer Haven failed to submit the 2016 annual fee as requested in the Department's August 2, 2016 NOV.

Y. On September 1, 2016, the Department issued an Administrative Order to Deer Haven. The Administrative Order addressed the violations noted in Paragraphs V and X and required Deer Haven to submit the 2016 annual fee within ten (10) days of this Administrative Order.

Z. Deer Haven failed to submit the 2016 annual fee as requested in the Department's September 1, 2016 Administrative Order.

AA. Section 92a.75a of the Department's regulations, 25 Pa. Code § 92a.75a, requires permittees who wish to continue discharging after the expiration date of their NPDES Permit to submit a new application for reissuance or renewal of the permit at least 180 days prior to the expiration date of the permit unless permission has been granted for a later date by the Department.

BB. Section 92a.7 of the Department's regulations, 25 Pa. Code § 92a.7, states that an NPDES Permit shall have a fixed term not to exceed five years. This provision further provides that the terms and conditions of an expired permit is automatically continued if the permittee submits a timely application for reissuance in accordance with Section 92a.75a, and the Department is unable to issue or deny a new permit before the expiration date of the previous permit through no fault of the permittee.

CC. The Department did not grant Deer Haven permission to submit a new NPDES Permit application for reissuance at a later date than provided by 25 Pa. Code § 92a.75a.

DD. Deer Haven was, therefore, required to submit an NPDES Permit application for reissuance on or before January 1, 2017 to meet the 180-day submission criteria.

EE. On December 30, 2016, the Department received an incomplete NPDES Permit renewal application from Deer Haven. The renewal application contained deficiencies that required additional information to be submitted.

FF. Deer Haven did not submit its NPDES Permit renewal application on or before January 1, 2017.

GG. Deer Haven's failure to submit an NPDES Permit application for reissuance on or before January 1, 2017, while intending to continue discharging past June 30, 2017, and without the Department's permission to submit a new application by a later date constitutes a violation of Section 92a.75a of the Rules and Regulations, 25 Pa. Code § 92a.75a.

HH. As a result of Deer Haven's late submission of its NPDES Permit application for reissuance, Deer Haven did not qualify for an automatic permit continuance pursuant to Section 92a.7(b) of the Department's regulations, 25 Pa. Code § 92a.7(b).

II. Deer Haven's NPDES Permit expired on June 30, 2017.

JJ. Deer Haven again failed to indicate sample type as reported by Deer Haven's monthly DMRs in violation of Part A.I.A. of the NPDES Permit, as follows:

<u>Monitoring Period</u>	<u>Parameters</u>
September 2017	Ammonia-Nitrogen Total Phosphorus

KK. Part B.I.E(2) of the NPDES Permit states the permittee shall at all times properly operate and maintain all facilities and systems of treatment and control, which are installed or used by the permittee to achieve compliance with the terms and conditions of the NPDES Permit.

LL. On April 4, 2018, the Department conducted a Compliance Evaluation Inspection ("CEI") of Deer Haven's WWTP and revealed violations of Part B.I.E(2) of the NPDES Permit as follows:

- The WWTP is exhibiting rust and corrosion of metal surfaces;
- Broken and cracked building supports;
- Non-functional return activated sludge lines;
- Accumulation of heavy solids in the clarifiers;
- Broken airline on clarifier one and;
- Accumulation of solids in the inoperative sand filters and chlorine contact tank.

MM. On April 1, 2018, the Department issued an invoice to Deer Haven for payment of its 2018 annual fee for the NPDES Permit by July 1, 2018 under the authority of 25 Pa. Code § 92a.62.

NN. Deer Haven failed to pay the 2018 annual fee by July 1, 2018.

OO. Part A.III.B(4) of the NPDES Permit states DMRs must be completed in accordance with the Department's published DMR instructions (3800-FM-BCW0463).

PP. Part A.III.B(5) of the NPDES Permit states the permittee shall complete all Supplemental Reporting forms ("Supplemental DMRs") attached to this permit, or an approved equivalent, and submit the signed, completed forms as attachments to the DMR, through the Department's eDMR system.

QQ. Deer Haven failed to submit properly complete monthly DMRs for June 2018 and July 2018 monitoring periods in violation of Part A.III.B(4) and Part A.III.B(5) of the NPDES Permit. Review of said DMRs revealed the following reporting violations:

- June 2018**
- Dissolved Oxygen minimum was reported as 6.86 mg/L. The Daily Effluent Supplemental Report listed four (4) readings ranging from 1.70 to 1.73 mg/L, with the minimum being 1.70 mg/L;
  - Total Residual Chlorine Instantaneous Max was not recorded in the proper block;
  - Sample frequency of CBOD<sub>5</sub>, Total Suspended Solids, and Fecal Coliform were not reported and;
  - Total Phosphorus was not reported on the Daily Effluent Monitoring Supplemental Report.
- July 2018**
- Dissolved Oxygen minimum was reported as 6.86 mg/L. The Daily Effluent Supplemental Report listed four (4) values ranging from 1.70 mg/L to 1.73 mg/L, with the minimum value being 1.70 mg/L;
  - Total Residual Chlorine Instantaneous Max and Fecal Coliform Instantaneous Max were not recorded in the proper blocks;
  - Sample frequency of CBOD<sub>5</sub>, Total Suspended Solids, and Fecal Coliform were not reported;
  - On the Daily Effluent Monitoring Supplemental Report, Fecal Coliform was reported as 600/100 mL, whereas the DMR and laboratory results reported >600/100 mL and;
  - Total Phosphorus was not reported on the Daily Effluent Monitoring Supplemental Report.

RR. Deer Haven failed to submit the following monthly DMRs in violation of Part A.III.B. of the NPDES Permit:

<u>Monitoring Period</u>	<u>Due Date</u>
January 2018	February 28, 2018
August 2018	September 28, 2018

SS. On September 11, 2018, the Department sent an NOV notifying Deer Haven of its failure to pay the 2018 annual fee for the NPDES Permit under the authority of 25 Pa. Code § 92a.62, violation noted in Paragraph NN. Said NOV requested payment of said fee within 15 days from the date of the NOV.

TT. Deer Haven failed to submit the 2018 annual fee as requested in the Department's September 11, 2018 NOV.

UU. On October 10, 2018, the Department issued an Administrative Order to Deer Haven. The Administrative Order addressed the violations noted in Paragraphs NN and TT and required Deer Haven to submit the 2018 annual fee within ten (10) days of this Administrative Order.

VV. Deer Haven failed to submit the 2018 annual fee as requested in the Department's October 10, 2018 Administrative Order.

WW. The NPDES Permit requires that Deer Haven sample Total Residual Chlorine once

per week. Deer Haven failed to sample these parameters once per week for May 2018, July 2018, October 2018, and November 2018 in violation of Part A.I.A. of the NPDES Permit.

XX. On December 13, 2018, the Department sent an NOV, notifying Deer Haven of its violations noted in Paragraphs J, L, N, O, P, R, S, GG, JJ, LL, QQ, RR, and WW. The NOV requested Deer Haven along with anyone else deemed necessary, personally attend an enforcement conference in the Department's Northeast Regional Office on February 6, 2019.

YY. On February 6, 2019, Deer Haven met with the Department to discuss violations noted herein and Deer Haven's intended actions to return to compliance with its NPDES Permit.

ZZ. On April 4, 2019, the Department conducted a Follow-Up Inspection of the WWTP and documented the following unaddressed deficiencies from the previous inspection noted in Paragraph LL in violation of Part B.I.E(2) of the NPDES Permit:

- Metal surfaces of the treatment plant exhibited rust and corrosion;
- Sand filters were found to be inoperable;
- Repair of a pipe between the two clarifiers was structurally questionable and;
- Skimmers on the front treatment train were inoperable.

AAA. On May 30, 2019, Deer Haven submitted its NPDES Permit application for reissuance to the Department, 879 days late as per 25 Pa. Code § 92a.75a.

BBB. Deer Haven again failed to submit a monthly DMR in a timely manner. Specifically, the following DMR was received by the Department later than the requirements of the NPDES Permit:

<u>Monitoring Period</u>	<u>Due Date</u>	<u>Date Received</u>
May 2019	June 28, 2019	July 10, 2019

CCC. On April 1, 2019, the Department issued an invoice to Deer Haven for payment of its 2019 annual fee for the NPDES Permit by July 1, 2019 under the authority of 25 Pa. Code § 92a.62.3.

DDD. Deer Haven failed to pay the 2019 annual fee by July 1, 2019.

EEE. On August 1, 2019, the Department sent Deer Haven a correspondence reminding Deer Haven that its 2019 annual fee was due by July 1, 2019. Said correspondence requested payment of the annual fee within 15 days from the date of this letter.

FFF. Deer Haven failed to submit its 2019 annual fee as requested in the Department's August 1, 2019 correspondence.

GGG. On September 5, 2019, the Department sent an NOV notifying Deer Haven of its failure to pay the 2019 annual fee for the NPDES Permit under the authority of 25 Pa. Code § 92a.62, violation noted in Paragraphs DDD and FFF. Said NOV requested payment of the 2019

annual fee within 15 days from the date of this NOV.

HHH. Deer Haven failed to submit its 2019 annual fee as requested in the Department's September 5, 2019 NOV.

III. On October 1, 2019, the Department issued an Administrative Order to Deer Haven. The Administrative Order addressed the violation noted in Paragraphs DDD, FFF, and HHH and required Deer Haven to submit the 2019 annual fee within ten (10) days of this Administrative Order.

JJJ. Deer Haven failed to submit its 2019 annual fee as requested in the Department's October 1, 2019 Administrative Order.

KKK. On April 1, 2020, the Department issued an invoice to Deer Haven for payment of its 2020 annual fee for the NPDES Permit by July 1, 2020 under the authority of 25 Pa. Code § 92a.62.

LLL. Deer Haven failed to pay the 2020 annual fee by July 1, 2020.

MMM. On August 5, 2020, the Department sent Deer Haven a correspondence reminding Deer Haven that its 2020 annual fee was due by July 1, 2020. Said correspondence requested payment of the annual fee within 15 days from the date of this letter.

NNN. Deer Haven failed to submit its 2020 annual fee as requested in the Department's August 5, 2020 correspondence.

OOO. On September 2, 2020, the Department sent an NOV notifying Deer Haven of its failure to pay the 2020 annual fee for the NPDES Permit under the authority of 25 Pa. Code § 92a.62, violation noted in Paragraphs LLL and NNN. Said NOV requested payment of the 2020 annual fee within 15 days from the date of this NOV.

PPP. Deer Haven failed to submit its 2020 annual fee as requested in the Department's September 2, 2020 NOV.

QQQ. On October 7, 2020, the Department issued an Administrative Order to Deer Haven. The Administrative Order addressed the violation noted in Paragraphs JJJ, LLL, and NNN, required Deer Haven to submit the 2020 annual fee within ten (10) days of this Administrative Order.

RRR. Deer Haven failed to submit its 2020 annual fee as requested in the Department's October 7, 2020 Administrative Order.

SSS. Part C.I.F. of the NPDES Permit, states the Total Maximum Daily Load ("TMDL") Supplemental Report Annual Load Summary form (3800-FM-BPNPSM0448) shall be used to report monthly and annual total mass loads and shall be submitted annually. The completed form is due on November 28 of each year and shall be attached to the DMR submission.

TTT. Deer Haven failed to submit the TMDL Supplemental DMRs for the 2018 through 2021 monitoring periods in violation of Part C.I.F. of the NPDES Permit.

UUU. On April 1, 2021, the Department issued an invoice to Deer Haven for payment of its 2021 annual fee for the NPDES Permit by July 1, 2021 under the authority of 25 Pa. Code § 92a.62.

VVV. Deer Haven failed to pay the 2021 annual fee by July 1, 2021.

WWW. On August 3, 2021, the Department sent Deer Haven a correspondence reminding Deer Haven that its 2021 annual fee was due by July 1, 2021. Said correspondence requested payment of the annual fee within 15 days from the date of this letter.

XXX. Deer Haven failed to submit its 2021 annual fee as requested in the Department's August 3, 2021 correspondence.

YYY. On August 31, 2021, the Department sent an NOV notifying Deer Haven of its failure to pay the 2021 annual fee for the NPDES Permit under the authority of 25 Pa. Code § 92a.62, violation noted in Paragraphs UUU and WWW. Said NOV requested payment of the 2021 annual fee within 15 days from the date of this NOV.

ZZZ. Deer Haven failed to submit its 2021 annual fee as requested in the Department's August 31, 2021 NOV.

AAAA. On October 7, 2021, the Department issued an Administrative Order to Deer Haven. The Administrative Order addressed the violation noted in Paragraphs UUU, WWW, and YYY and required Deer Haven to submit the 2021 annual fee within ten (10) days of this Administrative Order.

BBBB. Deer Haven failed to submit its 2021 annual fee as requested in the Department's October 7, 2021 Administrative Order.

CCCC. Deer Haven again exceeded the NPDES Permit's effluent limitations as reported by Deer Haven's monthly DMRs, as follows:

<u>Monitoring Period</u>	<u>Parameter</u>	<u>Permit Limit</u>	<u>Reported Value</u>
October 2018	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	1.01 mg/L
July 2019	Dissolved Oxygen <i>Minimum</i>	6.0 mg/L	5.5 mg/L
July 2019	CBOD <sub>5</sub> <i>Average Monthly</i>	10.0 mg/L	19.0 mg/L
July 2019	Ammonia-Nitrogen <i>Average Monthly</i>	3.0 mg/L	13.0 mg/L
July 2019	Fecal Coliform <i>Geometric Mean</i>	200/100 mL	1,060/100 mL
July 2019	Fecal Coliform <i>Instantaneous Max</i>	1,000/100 mL	1,060/100 mL

July 2019	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	0.96 mg/L
August 2019	Dissolved Oxygen <i>Minimum</i>	6.0 mg/L	5.6 mg/L
August 2019	Fecal Coliform <i>Geometric Mean</i>	200/100 mL	238/100 mL
September 2019	Dissolved Oxygen <i>Minimum</i>	6.0 mg/L	4.8 mg/L
September 2019	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	0.8 mg/L
March 2020	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	<0.7 mg/L
April 2020	CBOD <sub>5</sub> <i>Average Monthly</i>	10.0 mg/L	24.0 mg/L
April 2020	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	1.0 mg/L
May 2020	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	0.9 mg/L
May 2020	Ammonia-Nitrogen <i>Average Monthly</i>	3.0 mg/L	15.2 mg/L
June 2020	Dissolved Oxygen <i>Minimum</i>	6.0 mg/L	3.3 mg/L
June 2020	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	1.7 mg/L
July 2020	Dissolved Oxygen <i>Minimum</i>	6.0 mg/L	3.3 mg/L
July 2020	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	5.2 mg/L
August 2020	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	0.6 mg/L
September 2020	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	4.4 mg/L
January 2021	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	4.5 mg/L
March 2021	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	3.1 mg/L
July 2021	Fecal Coliform <i>Geometric Mean</i>	200/100 mL	326/100 mL
July 2021	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	3.1 mg/L
December 2021	Total Residual Chlorine <i>Average Monthly</i>	1.2 mg/L	1.4 mg/L
January 2022	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	3.2 mg/L

DDDD. Deer Haven failed to sample in accordance with the required sample frequency as

reported by Deer Haven's monthly DMRs, as follows:

<u>Monitoring Period</u>	<u>Parameter</u>	<u>Required Frequency</u>	<u>Reported Frequency</u>
November 2021	pH	1/week	3/month
	Dissolved Oxygen	1/week	3/month
	Total Residual Chlorine	1/week	3/month
February 2022	Flow	1/week	Not Measured
	pH	1/week	Not Collected
	Dissolved Oxygen	1/week	Not Collected
	Total Residual Chlorine	1/week	Not Collected
	CBOD <sub>5</sub>	1/month	Not Collected
	Total Suspended Solids	1/month	Not Collected
	Ammonia-Nitrogen	1/month	Not Collected
	Fecal Coliform	1/month	Not Collected
	Total Phosphorus	1/month	Not Collected

EEEE. Part A.III.A(4) of the NPDES Permit states, in relevant part, facilities that test or analyze environmental samples used to demonstrate compliance shall be in compliance with laboratory accreditation requirements of Act 90 of 2002 (27 Pa. C.S. §§ 4101-4113) and 25 Pa. Code § 252, relating to environmental laboratory accreditation.

FFFF. Part A. II. of the NPDES Permit defines a composite sample as a combination of individual samples (at least eight for a 24-hour period or four for an 8-hour period) of at least 100 milliliters (mL) each obtained at spaced time intervals during the compositing period. The composite must be flow-proportional in that either the volume of each individual sample is proportional to discharge flow rates, or the sampling interval is proportional to the flow rates over the time period used to produce the composite.

GGGG. On May 10, 2022, the Department again conducted a CEI of the WWTP. In addition, to the same conditions documented in the inspections noted in Paragraphs KK and YY, the Department noted the following violations:

- The Department documented the following operation and maintenance conditions in violation Part B.I.E(2) of the NPDES Permit:
  - o A large "boil" was noted in the aeration system of the rear treatment train;
  - o The aeration basin contents appeared extremely thin with the Return Activated Sludge feed almost clear in appearance;
  - o The structurally questionable pipe repair between the two clarifiers had not been addressed and;
  - o Large pieces of debris were observed in the rear treatment aeration basin.
- The Department noted there was no NIST thermometer in the on-site composite sampler to determine whether samples are maintained at the proper temperature in violation of Part A.III.A(4) of the NPDES Permit.

- The Department noted composite samples collected by Deer Haven are not flow proportional as required by Part A.II. of the NPDES Permit.

HHHH. On April 1, 2022, the Department issued an invoice to Deer Haven for payment of its 2022 annual fee for the NPDES Permit by July 1, 2022 under the authority of 25 Pa. Code § 92a.62.

IIII. Deer Haven failed to pay the 2022 annual fee by July 1, 2022.

JJJJ. Deer Haven again exceeded the NPDES Permit's effluent limitations as reported by Deer Haven's monthly DMRs, as follows:

<u>Monitoring Period</u>	<u>Parameter</u>	<u>Permit Limit</u>	<u>Reported Value</u>
July 2022	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	0.7 mg/L
March 2024	CBOD <sub>5</sub> <i>Average Monthly</i>	10.0 mg/L	<12.9 mg/L

KKKK. On August 2, 2022, the Department sent Deer Haven a correspondence reminding Deer Haven that its 2022 annual fee was due by July 1, 2022. Said correspondence requested payment of the annual fee within 15 days from the date of this letter.

LLLL. Deer Haven failed to submit its 2022 annual fee as requested in the Department's August 2, 2022 correspondence.

MMMM. On August 3, 2022, the Department sent an NOV via email notifying Deer Haven of its violations noted in Paragraphs QQ, YY, AAA, SSS, BBBB, CCCC, and FFFF. Said NOV requested a written response within 15 days of its receipt indicating the cause of the non-compliance and the steps that will be or have been taken in order to ensure future compliance. The Department requested Deer Haven pay all outstanding annual fees within 15 days of receipt of this Notice.

NNNN. The Department did not receive a written response from Deer Haven as requested, to the Department's August 3, 2022 NOV.

OOOO. On September 7, 2022, the Department sent an NOV notifying Deer Haven of its failure to pay the 2022 annual fee for the NPDES Permit under the authority of 25 Pa. Code § 92a.62, violation noted in Paragraphs JJJJ and KKKK. Said NOV requested payment of the 2022 annual fee within 15 days from the date of this NOV.

PPPP. Deer Haven failed to submit its 2022 annual fee as requested in the Department's September 7, 2022 NOV.

QQQQ. On September 13, 2022, the Department re-sent the NOV noted in Paragraph MMMM, via certified mail to Deer Haven.

RRRR. Part B.I.C. of the NPDES Permit states the permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to

determine whether cause exists for modifying, revoking, and reissuing, or terminating this permit, or to determine compliance with this permit.

SSSS. The Department has not received a written response from Deer Haven as requested to the Department's September 13, 2022 NOV in violation of Part B.I.C. of the NPDES Permit.

TTTT. On October 6, 2022, the Department issued an Administrative Order to Deer Haven. The Administrative Order addressed the violation noted in Paragraphs IIII, LLLL, and PPPP and required Deer Haven to submit the 2022 annual fee within ten (10) days of this Administrative Order.

UUUU. Deer Haven failed to submit its 2022 annual fee as requested in the Department's October 7, 2021 Administrative Order.

VVVV. On December 7, 2022, the Department sent an NOV via mail notifying Deer Haven of its violations noted in Paragraph SSSS. Said NOV requested a written response within 15 days of receipt indicating the cause of the non-compliance and the steps that will be or have been taken to ensure future compliance. The Department requested Deer Haven pay all outstanding annual fees within 15 days of receipt of this Notice.

WWWW. On April 1, 2023, the Department issued an invoice to Deer Haven for payment of its 2023 annual fee for the NPDES Permit by July 1, 2023 under the authority of 25 Pa. Code § 92a.62.

XXXX. On May 25, 2023, representatives of Deer Haven, Pocono Lakefront, and the Department participated in a meeting at the Department's Northeast Regional Office to discuss Deer Haven's and Pocono Lakefront's plans for their facilities and associated Department requirements.

YYYY. Deer Haven again failed to pay the 2023 annual fee by July 1, 2023.

ZZZZ. On August 2, 2023, the Department sent Deer Haven a correspondence reminding Deer Haven that its 2023 annual fee was due by July 1, 2023. Said correspondence requested payment of the annual fee within 15 days from the date of this letter.

AAAAA. Deer Haven failed to submit its 2023 annual fee as requested in the Department's August 2, 2023 correspondence.

BBBBB. Deer Haven again failed to sample in accordance with the required sample frequency as reported by Deer Haven's monthly DMR, as follows:

<u>Monitoring Period</u>	<u>Parameter</u>	<u>Required Frequency</u>	<u>Reported Frequency</u>
August 2023	pH	1/week	1/month
	Dissolved Oxygen	1/week	1/month
	Total Residual Chlorine	1/week	1/month

CCCCC. On September 6, 2023, the Department sent an NOV notifying Deer Haven of its failure to pay the 2023 annual fee for the NPDES Permit under the authority of 25 Pa. Code § 92a.62, violation noted in Paragraphs YYYY and AAAAA. Said NOV requested payment of the 2023 annual fee within 15 days from the date of this NOV.

DDDDD. Deer Haven failed to submit its 2023 annual fee as requested in the Department's September 6, 2023 NOV.

EEEEE. Part B.I.D.1 of the NPDES Permit requires that a sewage treatment facility must be operated by a certified treatment plant operator of adequate classification.

FFFFF. 25 Pa. Code § 302.1202(c) requires permittees who wish to make a change in available operator to submit notification of this change to the Department within 10 calendar days of its change in operators.

GGGGG. On November 21, 2023, Pocono Waterworks Company Inc. submitted a letter to the Department notifying the Department that Pocono Waterworks Company Inc. ceased operations of the Deer Haven WWTP on September 8, 2023.

HHHHH. Deer Haven did not notify the Department that it intended to change its available operator by August 29, 2023, 10 days prior to the relinquishment of the current certified treatment plant operator on September 8, 2023.

IIIII. Deer Haven's failure to submit notice of a change in available operator on or before August 29, 2023, while intending to continue operation past the relinquishment of the current certified operator constitutes a violation of 25 Pa. Code § 302.1202(c).

JJJJJ. Deer Haven again failed to submit the following monthly DMRs in violation of Part A.III.B. of the NPDES Permit:

<u>Monitoring Period</u>	<u>Due Date</u>
September 2023	October 28, 2023
October 2023	November 28, 2023
November 2023	December 28, 2023
December 2023	January 28, 2024
January 2024	February 28, 2024

KKKKK. On February 13, 2024, the Department was notified that Environmental Service Corporation ("ESC") was taking over operation of the WWTP. Certified Operation by ESC began on February 14, 2024.

LLLLL. From September 8, 2023 until February 13, 2024, a period of 159 days, Deer Haven operated and discharged effluent from the WWTP without the WWTP being operated by a certified operator in violation of Part B.I.D.1 of the NPDES Permit.

MMMMM. Section 202 of the Clean Streams Law, 35 P.S. § 691.202, prohibits the discharge of sewage by any person or municipality into the waters of this Commonwealth

without a permit or contrary to the terms of a permit.

NNNNN. On April 10, 2024, the Department received from Deer Haven's operator written notification of a pollution incident that occurred at the WWTP on March 30, 2024. Said notification indicated an unknown volume of treated sewage discharged through the WWTP's doors rather than the permitted Outfall 001. The cause of the overflow was attributed to a disconnected sewer main. Corrective actions taken include jetting and cleaning the lines along with repairing the sewer main.

OOOOO. Deer Haven's April 10, 2024 pollution incident constitutes a violation of Section 202 of the Clean Streams Law 35 P.S. § 691.202.

PPPPP. Section 92a.41(b) of the Department's regulations, 25 Pa. Code § 92a.41(b), also requires that the permittee must submit written notification of a pollution incident within 5 days of the time the permittee becomes aware of the incident causing or threatening pollution. Failure to do so constitutes unlawful conduct under Section 611 of The Clean Streams Law, 35 P.S. § 691.611.

QQQQQ. Deer Haven failed to submit written notification of the March 30, 2024 overflow in a timely manner. On April 10, 2024, the Department received Deer Haven's written notification of the SSO, 5 days late as per 25 Pa. Code § 92a.41(b).

RRRRR. Deer Haven's failure to provide written notification of the March 30, 2024 overflow within the required timeframe constitutes a violation of 25 Pa. Code § 92a.41(b).

SSSSS. As of date of this Consent Order and Agreement, the following annual fees remain outstanding for Deer Haven in violation of 25 Pa. Code § 92a.62:

<u>Invoice Date</u>	<u>Amount Due</u>
April 1, 2013	\$500.00
April 1, 2014	\$500.00
April 1, 2015	\$500.00
April 1, 2016	\$500.00
April 1, 2018	\$500.00
April 1, 2019	\$500.00
April 1, 2020	\$500.00
April 1, 2021	\$500.00
April 1, 2022	\$1,000.00
April 1, 2023	\$1,000.00
April 1, 2024	\$1,000.00
April 1, 2025	\$1,000.00
<hr/> Total Due	<hr/> \$8,000.00

TTTTT. Deer Haven's failure to submit each annual fee, as described in Paragraphs V, NN, DDD, LLL, VVV, IIII, and YYYY constitutes violations of 25 Pa. Code § 92a.62.

UUUUU. Deer Haven again exceeded the NPDES Permit's effluent limitations as

reported by Deer Haven's monthly DMRs, as follows:

<u>Monitoring Period</u>	<u>Parameter</u>	<u>Permit Limit</u>	<u>Reported Value</u>
May 2024	Ammonia-Nitrogen <i>Average Monthly</i>	3.0 mg/L	8.2 mg/L
	Fecal Coliform <i>Instantaneous Max</i>	1,000/100 mL	2,419.6/100 mL
June 2024	Ammonia-Nitrogen <i>Average Monthly</i>	3.0 mg/L	15.9 mg/L
	Fecal Coliform <i>Instantaneous Max</i>	1,000/100 mL	2,419.6/100 mL
	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	<2.7 mg/L
July 2024	Ammonia-Nitrogen <i>Average Monthly</i>	3.0 mg/L	9.3 mg/L
	Fecal Coliform <i>Instantaneous Max</i>	1,000/100 mL	2,419.6/100 mL
	Total Phosphorus <i>Average Monthly</i>	0.5 mg/L	<2.595 mg/L
	CBOD <sub>5</sub> <i>Average Monthly</i>	10.0 mg/L	<13.1 mg/L

VVVVV. From June 30, 2017 until August 15, 2024 when Aqua Pennsylvania Wastewater, Inc. ("Aqua") took over as receiver of the sewer system, Deer Haven has been discharging treated sewage into the waters of the Commonwealth without a valid permit from the Department in violation of Section 202 of The Clean Streams Law, 35 P.S. § 691.202.

WWWWW. On June 18, 2024, Deer Haven and PLU filed a Joint Application with the Public Utility Commission ("PUC") seeking certificates of public convenience, evidencing the PUC's approval of PLU's acquisition of certain wastewater system assets of Deer Haven, the abandonment by Deer Haven of wastewater service to the public in Palmyra Township, Pike County, PA, and authorization of PLU to offer, render, furnish, supply, wastewater service to the public in a portion of Palmyra Township through the Pocono Lakefront WWTP.

XXXXX. On August 1, 2024, Deer Haven filed a Petition with the PUC that requested the issuance of an ex parte emergency order appointing Aqua to act as a temporary receiver to operate its WWTP and Sewer System.

YYYYY. Although the PUC initially denied the Deer Haven petition via an August 7, 2024 Secretarial Letter, after a renewed request by Deer Haven, the Chairman of the PUC entered an August 15, 2024 ex parte emergency order ("August 15 Emergency Order") at Docket No. P-2024-3050549 that granted Deer Haven's renewed request with respect to Deer Haven's WWTP and Sewer System. The August 15 Emergency Order also initiated an investigation into whether the PUC should order a capable public utility to acquire Deer Haven's WWTP and Sewer System pursuant to 66 Pa.C.S. § 529 at PUC Docket No. I-2024-3051541 ("529 Investigation"). The August 15 Emergency Order also directed Aqua to act as the receiver ("Receiver") for Deer Haven's WWTP and Sewer System beginning August 15, 2024, and to

continue during the pendency of a proceeding pursuant to Section 529(g) of the Code, 66 Pa.C.S. § 529(g).

ZZZZZ. In response to the PUC Order, Aqua assumed the operation of the Deer Haven WWTP and Sewer System.

AAAAAA. On August 22, 2024, the PUC entered an Order staying Deer Haven's and PLU's Joint Application proceeding, pending the outcome of the 529 Investigation.

BBBBBB. On December 17, 2024, Aqua along with Deer Haven, filed a joint motion to lift the stay of proceedings.

CCCCCC. On February 20, 2025, the PUC lifted the stay on the Joint Application proceeding.

DDDDDD. On March 7, 2025, the PUC entered an order conditionally granting the Joint Application.

EEEEEE. The Conditions of the March 7, 2025 PUC Order are as follows:

1. An application filed by Deer Haven for PUC approval, to allow the transfer of its jurisdictional assets to Pocono Lakefront;
2. The issuance of a water quality management permit to operate the wastewater treatment plant constructed under Water Quality Management Permit No. 5215401, that includes a copy of the signed and stamped water quality management Post Construction Certification Form from the Department to PLU.
3. The transfer of all other water quality management permits necessary for the operation of wastewater facilities in the requested service territory to PLU;
4. The transfer of the National Pollutant Discharge Elimination System Permit No. PA-0041912 from Deer Haven to PLU by the Department;
5. Approval by the Department of an Official Sewage Facilities Act 537 Plan Revision that transfers wastewater service from Deer Haven to PLU and identifies PLU as the sole provider of wastewater service within the requested service territory;
6. Filing of a Notice of Termination filed with the Department indicating that the Deer Haven Wastewater Treatment Plant was decommissioned; and
7. Execute a Consent Order and Agreement between the Department, PLU, and Deer Haven, resolving Deer Haven's open violations.

FFFFFF. Pursuant to WQM No. 5215401, construction of the Pocono Lakefront WWTP was authorized in the name of Pocono Lakefront.

GGGGGG. As of the date of this Consent Order & Agreement, the Delaware River Basin Commission ("DRBC") has not approved PLU's request for the assignment of the DRBC docket from Pocono Lakefront to PLU or to extend the permit deadline.

HHHHHH. The violations described in Paragraphs J, L, N, O, P, R, S, V, X, Z, GG, HH, II, JJ, LL, NN, QQ, RR, TT, VV, WW, ZZ, AAA, BBB, DDD, FFF, HHH, JJJ, LLL, NNN, PPP, RRR, TTT, VVV, XXX, ZZZ, BBBB, CCCC, DDDD, GGGG, IIII, JJJJ, LLLL, NNNN, PPPP, SSSS, UUUU, YYYYY, AAAAA, BBBB, DDDDD, IIIII, JJJJJ, OOOOO, QQQQQ, RRRRR, SSSSS, TTTTT, UUUUU and VVVVV constitute unlawful conduct under Section 611 of The Clean Streams Law, 35 P.S. § 691.611; a statutory nuisance under Section 601 of The Clean Streams Law, 35 P.S. § 691.601; and subject Deer Haven to civil penalty liability under Section 605 of The Clean Streams Law, 35 P.S. § 691.605.

### Order

After full and complete negotiation of all matters set forth in this Consent Order and Agreement and upon mutual exchange of covenants contained herein, the parties desiring to avoid litigation and intending to be legally bound, it is hereby ORDERED by the Department and AGREED to by Deer Haven, Pocono Lakefront, and PLU as follows:

1. Authority. This Consent Order and Agreement is an Order of the Department authorized and issued pursuant to Section 5 of The Clean Streams Law, 35 P.S. § 691.5, and Section 1917-A of the Administrative Code, 71 P.S. § 510-17.

2. Findings.

a. In any matter or proceeding between the Department and Deer Haven, Pocono Lakefront, and/or PLU, Deer Haven, Pocono Lakefront, and/or PLU shall not challenge or deny the Department's assertion of the truth, accuracy, or validity of Paragraphs A through HHHHHH, above.

b. The parties do not authorize any other persons to use the findings in this Consent Order and Agreement in any matter or proceeding.

3. Corrective Action.

a. Within 30 days of the date of this Consent Order and Agreement, Deer Haven shall pay all outstanding annual fees noted in Paragraph SSSSS above. Checks should be made payable to the "Commonwealth of Pennsylvania." Please include your permit number with all correspondence. Payment should be mailed to the following address:

PA Department of Environmental Protection  
Bureau of Clean Water  
Re: Chapter 92a Annual Fee  
400 Market Street, P.O. Box 8466  
Harrisburg, PA 17105-8466

b. PLU and Deer Haven shall complete the following:

- i. Within thirty (30) days of the date of this Consent Order and Agreement, PLU, through Palmyra Township, shall submit to the Department a limited scope Act 537 Transfer Plan Update Revision ("Transfer Plan") that addresses the transfer of ownership of the WWTP from Deer Haven to PLU. The Transfer Plan shall contain applicable and appropriate elements referenced in the Department's draft guidance entitled "Private-to-Private Wastewater Disposal System Transfers – Act 537 Planning Requirements."
- ii. Within thirty (30) days of the Department's approval of the Act 537 Plan Update authorizing the transfer of the Deer Haven wastewater system to PLU, Pocono Lakefront and PLU shall submit an Application to Transfer the WQM Permit No. PA-5215401 for the construction of the Pocono Lakefront WWTP from Pocono Lakefront to PLU, and any other WQM permits that need to be transferred for PLU to own and operate the wastewater system.
- iii. Within thirty (30) days of later of the Department's issuance of the current draft National Pollutant Discharge Elimination System Permit No. PA-0041912 as final to Deer Haven or the Department's approval of the Act 537 Plan Update authorizing the transfer of the Deer Haven wastewater system to PLU, PLU shall file an Application for NPDES Permit Transfer with the Department seeking approval of the transfer of NPDES Permit No. PA-0041912 from Deer Haven to PLU.
- iv. Within sixty (60) days of the date of this Consent Order and Agreement, PLU shall complete construction of the Pocono Lake WWTP, and within thirty (30) days of the completion of the remaining construction of the Pocono Lake WWTP, PLU shall submit to the Department the Post Construction Certification Form for the Department's approval;
- v. Within one hundred and eighty (180) days of the date the new Pocono Lakefront WWTP begins treating sewage from the wastewater collection system, this Consent Order and Agreement, PLU shall complete the decommissioning process per the accepted Decommissioning Plan.

c. If the Department determines Deer Haven and/or PLU failed to satisfy the requirements of paragraph 3.b), as detailed above, then Deer Haven shall fully cooperate with the PUC's 529 Investigation at PUC Docket No. I-2024-3051541 to finalize a transfer of the sewer system to a capable utility operator.

4. Civil Penalty Settlement. Upon signing this Consent Order and Agreement, Deer

Haven, LLC shall pay, in addition to the fees set forth in Paragraph SSSSS, a civil penalty of five thousand, five hundred dollars (\$5,500.00). This payment is in settlement of the Department's claim for civil penalties for the violations and dates set forth in Paragraphs JJJ, LLL, NNN, PPP, RRR, TTT, VVV, XXX, ZZZ, BBBB, CCCC, DDDD, GGGG, IIII, JJJJ, LLLL, NNNN, PPPP, SSSS, UUUU, YYYYY, AAAAA, BBBB, DDDDD, IIIII, JJJJJ, OOOOO, QQQQQ, RRRRR, SSSSS, TTTTT, and UUUUU, and VVVVV above. The payment shall be made by corporate check or the like made payable to the "Commonwealth of Pennsylvania -Clean Water Fund" and sent to Patrick Musinski, Environmental Group Manager, Pennsylvania Department of Environmental Protection, Clean Water Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

5. Stipulated Civil Penalties.

a. In the event Deer Haven, Pocono Lakefront, or PLU fails to comply in a timely manner with any term or provision of this Consent Order and Agreement, the party failing to comply shall be in violation of this Consent Order and Agreement and, in addition to other applicable remedies, shall pay a civil penalty in the amount of two hundred and fifty (\$250.00) per day for each violation.

b. In the event Deer Haven, Pocono Lakefront, or PLU-violates any monitoring requirement or permit limit established in NPDES Permit, either instantaneous or DMR related, during the life of this Consent Order and Agreement, the party failing to comply shall be in violation of this Consent Order and Agreement and shall pay a civil penalty in the amount of five hundred (\$500.00) dollars for each violation.

c. Stipulated civil penalty payments shall be payable monthly on or before the fifteenth day of each succeeding month, and shall be forwarded as described in Paragraph 4 (Civil Penalty Settlement) above.

d. Any payment under this paragraph shall neither waive the duty of Deer Haven, Pocono Lakefront, and/or PLU to meet their obligations under this Consent Order and Agreement nor preclude the Department from commencing an action to compel Deer Haven, Pocono Lakefront, and/or PLU compliance with the terms and conditions of this Consent Order and Agreement. The payment resolves only Deer Haven's, Pocono Lakefront, and/or PLU's liability for civil penalties arising from the violations of this Consent Order and Agreement for which the payment is made.

e. Stipulated civil penalties shall be due automatically and without notice.

6. Additional Remedies.

a. In the event Deer Haven, Pocono Lakefront, and/or PLU fails to comply with any provision of this Consent Order and Agreement, the Department may, in addition to the remedies prescribed herein, pursue any remedy available for a violation of an Order of the Department, including an action to enforce this Consent Order and Agreement against the party/parties that has/have failed to comply.

b. The remedies provided by this paragraph and Paragraph 5 (Stipulated Civil Penalties) are cumulative and the exercise of one does not preclude the exercise of any other. The failure of the Department to pursue any remedy shall not be deemed to be a waiver of that remedy. The payment of a stipulated civil penalty, however, shall preclude any further assessment of civil penalties for the violation for which the stipulated penalty is paid.

7. Reservation of Rights. The Department reserves the right to require additional measures to achieve compliance with applicable law. Deer Haven, Pocono Lakefront, and/or PLU reserves the right to challenge any action which the Department may take to require those measures.

8. Liability of Parties. Deer Haven, Pocono Lakefront, and PLU shall inform all persons necessary for the implementation of this Agreement of the terms and conditions of this COA. Deer Haven shall be liable for violations of Paragraphs 3.a., 3.b.i), 3.b.vi), and 3.c., above, including those violations caused by, contributed to or allowed by its directors, officers, agents, managers, servants, and privies and any persons, contractors and consultants acting under or for Deer Haven. Pocono Lakefront shall be liable for violations of Paragraph 3.b. iii) above, including those violations caused by, contributed to, or allowed by its directors, officers, agents, managers, servants, and privies and any persons, contractors and consultants acting under or for Pocono Lakefront. PLU shall be liable for violations of Paragraphs 3.b. ii). through and including 3.b.vi). above, including those violations caused by, contributed to, or allowed by its directors, officers, agents, managers, servants, and privies and any persons, contractors and consultants acting under or for PLU.

9. Transfer of Site.

a. The duties and obligations under this Consent Order and Agreement shall not be modified, diminished, terminated or otherwise altered by the transfer of any legal or equitable interest in the Site or any part thereof.

b. Except as otherwise contemplated herein (including any transfer from Deer Haven to PLU), if Deer Haven, Pocono Lakefront, and/or PLU intend(s) to transfer any legal or equitable interest in the Site which is affected by this Consent Order and Agreement, Deer Haven, Pocono Lakefront, and/or PLU shall serve a copy of this Consent Order and Agreement upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the Northeast Regional Office of the Department of such intent.

10. Correspondence with Department. All correspondence with the Department concerning this Consent Order and Agreement shall be addressed to:

Clean Water Program Manager  
Clean Water Program  
Department of Environmental Protection  
2 Public Square  
Wilkes-Barre, PA 18701-1915  
Phone (570) 826-2511

Fax (570) 830-3016

11. Correspondence with Deer Haven, L.L.C. All correspondence with Deer Haven, L.L.C. concerning this Consent Order and Agreement shall be addressed to:

Sam Shahar  
Deer Haven, L.L.C.  
15 Picatinny Road  
Morristown, NJ 07960  
Phone (973) 610-1661  
Fax (973) 605-2036

with a copy to:

Adeolu Bakare, Esq.  
McNees Wallace Nurick, LLC  
100 Pine Street  
Harrisburg, PA 17101  
Phone: (717) 232-8000  
Email: abakare@mcneeslaw.com

Deer Haven, L.L.C. shall notify the Department whenever there is a change in the contact person's name, title, or address. Service of any notice or any legal process for any purpose under this Consent Order and Agreement, including its enforcement, may be made by mailing a copy by first class mail to the above address.

12. Correspondence with Pocono Lakefront, LLC and PL Utilities. All correspondence with Pocono Lakefront, LLC and PL Utilities concerning this Consent Order and Agreement shall be addressed to:

Jacob Goren  
40 Warren Street  
Paterson, NJ 07524  
Phone (973)-279-2050  
Fax (973)-279-8987

with a copy to:

Mark J. Shaw, Esq.  
MacDonald, Illig, Jones & Britton, LLP  
100 State Street, Suite 700  
Erie, PA 16507  
Phone: (814) 870-7607  
Email: MShaw@MIJB.com

Pocono Lakefront and PLU shall notify the Department whenever there is a change in the contact person's name, title, or address. Service of any notice or any legal process for any purpose under

this Consent Order and Agreement, including its enforcement, may be made by mailing a copy by first class mail to the above address.

13. Severability. The paragraphs of this Consent Order and Agreement shall be severable and should any part hereof be declared invalid or unenforceable, the remainder shall continue in full force and effect between the parties.

14. Entire Agreement. This Consent Order and Agreement shall constitute the entire integrated agreement of the parties. No prior or contemporaneous communications or prior drafts shall be relevant or admissible for purposes of determining the meaning or extent of any provisions herein in any litigation or any other proceeding.

15. Attorney Fees. The parties shall bear their respective attorney fees, expenses and other costs in the prosecution or defense of this matter or any related matters, arising prior to execution of this Consent Order and Agreement.

16. Modifications. No changes, additions, modifications, or amendments of this Consent Order and Agreement shall be effective unless they are set out in writing and signed by the parties hereto.

17. Titles. A title used at the beginning of any paragraph of this Consent Order and Agreement may be used to aid in the construction of that paragraph, but shall not be treated as controlling.

18. Termination. This Consent Order and Agreement shall terminate when the Department determines that Deer Haven, Pocono Lakefront, and PLU have complied with the requirements of all obligations of this Consent Order and Agreement.

19. Execution of Agreement. This Consent Order and Agreement may be signed in counterparts, each of which shall be deemed to be an original and all of which together shall constitute one and the same instrument. Facsimile signatures shall be valid and effective.

IN WITNESS WHEREOF, the parties hereto have caused this Consent Order and Agreement to be executed by their duly authorized representatives. The undersigned representatives of Deer Haven, L.L.C. and Pocono Lakefront, LLC certify under penalty of law, as provided by 18 Pa. C.S. § 4904, that they are authorized to execute this Consent Order and Agreement on behalf of Deer Haven, LLC and Pocono Lakefront, LLC; that Deer Haven, L.L.C. and Pocono Lakefront, LLC consents to the entry of this Consent Order and Agreement as a final ORDER of the Department; and that Deer Haven, L.L.C. and Pocono Lakefront, LLC hereby knowingly waives its right to appeal this Consent Order and Agreement and to challenge its content or validity, which rights may be available under Section 4 of the Environmental Hearing Board Act, Act of July 13, 1988, P.L. 530, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provisions of law. [Signature by Deer Haven, L.L.C.'s/Pocono Lakefront, LLC's attorney certifies only that the agreement has been signed after consulting with counsel.]

FOR DEER HAVEN, L.L.C.:

FOR THE COMMONWEALTH OF  
PENNSYLVANIA, DEPARTMENT OF  
ENVIRONMENTAL PROTECTION:

Amy M. Bellanca

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Amy Bellanca, P.E.  
Clean Water Program Manager

\_\_\_\_\_  
Adeolu Bakare, Esq.:  
Attorney for Deer Haven, L.L.C.

*Ann Conserette*  
\_\_\_\_\_  
Ann Conserette  
Assistant Counsel

FOR PL UTILITIES and POCONO  
LAKEFRONT, LLC:


\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Mark J. Shaw, Esq.:  
Attorney for PL Utilities LLC and Pocono  
Lakefront LLC

IN WITNESS WHEREOF, the parties hereto have caused this Consent Order and Agreement to be executed by their duly authorized representatives. The undersigned representatives of Deer Haven, L.L.C. and Pocono Lakefront, LLC certify under penalty of law, as provided by 18 Pa. C.S. § 4904, that they are authorized to execute this Consent Order and Agreement on behalf of Deer Haven, LLC and Pocono Lakefront, LLC; that Deer Haven, L.L.C. and Pocono Lakefront, LLC consents to the entry of this Consent Order and Agreement as a final ORDER of the Department; and that Deer Haven, L.L.C. and Pocono Lakefront, LLC hereby knowingly waives its right to appeal this Consent Order and Agreement and to challenge its content or validity, which rights may be available under Section 4 of the Environmental Hearing Board Act, Act of July 13, 1988, P.L. 530, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provisions of law. [Signature by Deer Haven, L.L.C.'s/Pocono Lakefront, LLC's attorney certifies only that the agreement has been signed after consulting with counsel.]

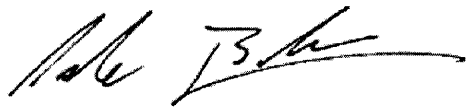
FOR DEER HAVEN, L.L.C.:

FOR THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION:

Signed by:  
  
C6CDD185DF68428

Name: Salah Mekkawy  
Title: Member

Amy Bellanca, P.E.  
Clean Water Program Manager



Adeolu Bakare, Esq.:  
Attorney for Deer Haven, L.L.C.

Ann Conserette  
Assistant Counsel

FOR PL UTILITIES and POCONO LAKEFRONT, LLC:

Name:  
Title:

Mark J. Shaw, Esq.:  
Attorney for PL Utilities LLC and Pocono Lakefront LLC

IN WITNESS WHEREOF, the parties hereto have caused this Consent Order and Agreement to be executed by their duly authorized representatives. The undersigned representatives of Deer Haven, L.L.C. and Pocono Lakefront, LLC certify under penalty of law, as provided by 18 Pa. C.S. § 4904, that they are authorized to execute this Consent Order and Agreement on behalf of Deer Haven, LLC and Pocono Lakefront, LLC; that Deer Haven, L.L.C. and Pocono Lakefront, LLC consents to the entry of this Consent Order and Agreement as a final ORDER of the Department; and that Deer Haven, L.L.C. and Pocono Lakefront, LLC hereby knowingly waives its right to appeal this Consent Order and Agreement and to challenge its content or validity, which rights may be available under Section 4 of the Environmental Hearing Board Act, Act of July 13, 1988, P.L. 530, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provisions of law. [Signature by Deer Haven, L.L.C.'s/Pocono Lakefront, LLC's attorney certifies only that the agreement has been signed after consulting with counsel.]

FOR DEER HAVEN, L.L.C.:

FOR THE COMMONWEALTH OF  
PENNSYLVANIA, DEPARTMENT OF  
ENVIRONMENTAL PROTECTION:


Name:  
Title:


Amy Bellanca, P.E.  
Clean Water Program Manager

Adeolu Bakare, Esq.:  
Attorney for Deer Haven, L.L.C.

Ann Conserette  
Assistant Counsel

FOR PL UTILITIES and POCONO  
LAKEFRONT, LLC:

  
Name: *Jacob Goren*  
Title: *MANAGING Director, PLU  
MANAGER Pocono Lakefront*

  
Mark J. Shaw, Esq.:  
Attorney for PL Utilities LLC and Pocono  
Lakefront LLC

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the Matter of:

Deer Haven, L.L.C.	:	Violations of The Clean Streams Law
15 Picatinny Road	:	and
Morristown, NJ 07960	:	NPDES Permit No. PA0041912
	:	Palmyra Township, Pike County and
Pocono Lakefront, LLC	:	Transfer of Deer Haven Sewer System to
61 West 62nd Street, #22E	:	PL Utilities
New York, New York, 10023	:	
	:	
	:	
PL Utilities, LLC	:	
61 West 62nd Street, #22E	:	
New York, New York, 10023	:	

**FIRST MODIFICATION TO THE JULY 17, 2025 CONSENT ORDER AND  
AGREEMENT**

This First Modification to the Consent Order and Agreement dated July 17, 2025 by and between the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), Deer Haven, L.L.C., Pocono Lakefront, LLC, and PL Utilities LLC is entered into this 30th day of October, 2025 ("First Modification").

The Department has found and determined the following additional Findings:

IIIIII. On July 17, 2025, the Department, Deer Haven, L.L.C., Pocono Lakefront, LLC, and PL Utilities, LLC ("PLU") entered into a Consent Order and Agreement ("COA") concerning, among other things, the construction, permitting and operation of new sewage facilities. .

JJJJJJ. Paragraph 3.b.iv. of the COA required PLU to complete construction of the Pocono Lake WWTP within 60 days, which was September 15, 2025, and within thirty (30) days of the completion of the remaining construction of the Pocono Lake WWTP, submit to the Department the Post Construction Certification Form for the Department's approval.

KKKKKK. On September 12, 2025, PLU requested a 45-day extension of the construction completion deadline requirement in Paragraph 3.b.iv. of the COA.

LLLLLL. On September 16, 2025, the Department proposed an amendment to the COA extending the construction completion deadline in Paragraph 3.b.iv as requested by PLU.

MMMMMM. PLU did not sign the amendment as proposed by the Department, but instead requested an extension of the construction completion deadline requirement in Paragraph 3.b.iv. of the COA to coincide with other necessary approvals from the Department and the Pennsylvania Public Utilities Commission ("PUC").

NNNNNN. Under Paragraph 16 of the COA, the Department and Deer Haven, L.L.C., Pocono Lakefront, LLC, and PLU agree to amend Paragraph 3.b.iv. and Paragraph 5 of the COA to address the extension of the construction completion deadline and stipulated penalties.

### Order

After full and complete negotiation of all matters set forth in this First Modification and upon mutual exchange of covenants contained herein, the parties intending to be legally bound, it is hereby ORDERED by the Department and AGREED to by Deer Haven, Pocono Lakefront, and PLU as follows:

1. ***Replacement of Paragraph 3.b.iv.*** Paragraph 3 Corrective Action, subparagraph b.iv. of the COA is hereby replaced with the following:

iv. Within forty-five (45) days after obtaining the approval from the PUC, PLU shall connect the sewage collection system to the Pocono Lakefront WWTP and begin operating the Pocono Lakefront WWTP. Within thirty (30) days after beginning operation of the Pocono Lake WWTP, PLU shall submit to the Department the Post Construction Certification Form for the connection and any related construction for the Department's approval.

2. ***New Paragraph 5.a.1.*** A new subparagraph a.1 is added to Paragraph 5 Stipulated Civil Penalties, of the COA as follows:

a.1. In the event PLU fails to comply in a timely manner with paragraph 3.b.iv of the Consent Order and Agreement, , PLU shall be in violation of the Consent Order and Agreement and, in addition to other applicable remedies, shall pay a civil penalty in the amount of five hundred (\$500.00) per day for each violation.

3. ***Other Terms of the COA.*** All other Findings, provisions, terms and conditions of the COA not specifically replaced or amended by this First Modification shall remain in effect and are fully enforceable as originally stated in the COA.

[The rest of this page intentionally left blank]

IN WITNESS WHEREOF, the parties hereto have caused this Frist Modification to be executed by their duly authorized representatives. The undersigned representatives of Deer Haven, L.L.C. and Pocono Lakefront, LLC certify under penalty of law, as provided by 18 Pa. C.S. § 4904, that they are authorized to execute this First Modification on behalf of Deer Haven, LLC and Pocono Lakefront, LLC; that Deer Haven, L.L.C. and Pocono Lakefront, LLC consents to the entry of this First Modification as a final ORDER of the Department; and that Deer Haven, L.L.C. and Pocono Lakefront, LLC hereby knowingly waives its right to appeal this First Modification and to challenge its content or validity, which rights may be available under Section 4 of the Environmental Hearing Board Act, Act of July 13, 1988, P.L. 530, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provisions of law. [Signature by Deer Haven, L.L.C.'s/Pocono Lakefront, LLC's attorney certifies only that the agreement has been signed after consulting with counsel.]

FOR DEER HAVEN, L.L.C.:

FOR THE COMMONWEALTH OF  
PENNSYLVANIA, DEPARTMENT OF  
ENVIRONMENTAL PROTECTION:

Signed by:

*Salah Mekkawy*

C8CDD185DF8A428

Name: Salah Mekkawy  
Title: Member

Amy Bellanca, P.E.  
Clean Water Program Manager

Adeolu Bakare, Esq.:  
Attorney for Deer Haven, L.L.C.

Ann Conserette  
Assistant Counsel

FOR PL UTILITIES and POCONO  
LAKEFRONT, LLC:

Name:  
Title:

Mark J. Shaw, Esq.:  
Attorney for PL Utilities LLC and Pocono  
Lakefront LLC

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FOR DEER HAVEN, L.L.C.:

FOR THE COMMONWEALTH OF  
PENNSYLVANIA, DEPARTMENT OF  
ENVIRONMENTAL PROTECTION:

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Amy Bellanca, P.E.  
Clean Water Program Manager



\_\_\_\_\_  
Adeolu Bakare, Esq.:  
Attorney for Deer Haven, L.L.C.

\_\_\_\_\_  
Ann Conserette  
Assistant Counsel

FOR PL UTILITIES and POCONO  
LAKEFRONT, LLC:

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Mark J. Shaw, Esq.:  
Attorney for PL Utilities LLC and Pocono  
Lakefront LLC

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FOR DEER HAVEN, L.L.C.:

FOR THE COMMONWEALTH OF  
PENNSYLVANIA, DEPARTMENT OF  
ENVIRONMENTAL PROTECTION:

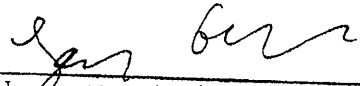
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Name:  
Title:


\_\_\_\_\_  
Amy Bellanca, P.E.  
Clean Water Program Manager

\_\_\_\_\_  
Adeolu Bakare, Esq.:  
Attorney for Deer Haven, L.L.C.

\_\_\_\_\_  
Ann Conserette  
Assistant Counsel

FOR PL UTILITIES and POCONO  
LAKEFRONT, LLC:

  
\_\_\_\_\_  
Name: Jacob Goren  
Title: MANAGING Director, PLU  
MANAGER, POCONO LAKEFRONT

  
\_\_\_\_\_  
Mark J. Shaw, Esq.:  
Attorney for PL Utilities LLC and Pocono  
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FOR DEER HAVEN, L.L.C.:

FOR THE COMMONWEALTH OF  
PENNSYLVANIA, DEPARTMENT OF  
ENVIRONMENTAL PROTECTION:

\_\_\_\_\_  
Name:  
Title:

*Amy Bellanca*  
\_\_\_\_\_  
Amy Bellanca, P.E.  
Clean Water Program Manager

\_\_\_\_\_  
Adeolu Bakare, Esq.:  
Attorney for Deer Haven, L.L.C.

*Ann Conserette*  
\_\_\_\_\_  
Ann Conserette  
Assistant Counsel

FOR PL UTILITIES and POCONO  
LAKEFRONT, LLC:

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Name:  
Title:

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Mark J. Shaw, Esq.:  
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